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STANDARD RULES

STANDARD MINIMUM RULES  
FOR THE TREATMENT OF PRISONERS

Report by the Secretariat



UNITED NATIONS

In accordance with the tradition of past Congresses, it has been possible to secure the co-operation of certain national prison administrations for the printing of documentation for the First United Nations Congress on the prevention of crime and the treatment of offenders, which is from an historical point of view the Thirteenth International Penal and Penitentiary Congress. Thus the present report has been generously printed by the Federal Bureau of Prisons of the United States of America, in the prison printing plant at Leavenworth, Kansas.

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## STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS OBSERVATIONS AND PROPOSALS OF THE SECRETARIAT

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**STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS  
OBSERVATIONS AND PROPOSALS  
OF THE SECRETARIAT**

**Introduction**

1. Standard Minimum Rules for the Treatment of Prisoners were drawn up by the International Penal and Penitentiary Commission (IPPC) in 1929 and revised in 1933. They were endorsed by the Assembly of the League of Nations in 1934 (Resolutions of 26 September 1934; see: League of Nations Official Journal, special supplement No. 123, VI. 4).
2. The first international group of experts in the field of the prevention of crime and the treatment of offenders convened by the United Nations met from 1 to 8 August 1949 and recommended that the Social Commission should undertake the revision of the Standard Rules after consultation with the Commission on Human Rights and in consultation with Governments and interested organizations (E/CN.5/154, paragraph 29).
3. At the same time, the IPPC, at its session held in Berne (Switzerland), adopted on 6 August 1949 a resolution stating that, in view of the progress achieved during the preceding twenty years through thought and practice in the penitentiary field, it was its duty to undertake the revision of the Rules forthwith and to seek the co-operation of the United Nations to this end. The resolution further specified that the revised Rules should be submitted to the United Nations in order that consideration might be given to the steps necessary to apply them in place of the existing rules (IPPC, proceedings of the Berne session, August 1949, p. 170).
4. At its fifth session in December 1949, the Social Commission approved in principle the revision of the Rules (E/1568, para. 43) and the Economic and Social Council endorsed this decision on 17 February 1950 [Resolution 279 A (X)].
5. The questionnaire prepared by the IPPC to serve as a basis for the revision of the Standard Rules was forwarded by the Secretary-General of the United Nations to Governments and to the specialized agencies concerned in July 1950. The replies received were transmitted to the Secretary-General of the IPPC.

6. The preliminary work was entrusted to a sub-committee which began its work at the beginning of 1950 and, at its last session on 6 July 1951, the IPPC approved a revised draft of Standard Minimum Rules for the Treatment of Prisoners. This draft was transmitted to the Secretary-General of the United Nations on 8 August 1951 and published in the IPPC Bulletin "Select Papers on Penal and Penitentiary Affairs" Vol. XV, No. 4/I, November 1951.

7. In accordance with the procedure decided upon, the draft of the revised Standard Minimum Rules was submitted in October 1951 for observations to Governments, the specialized agencies concerned (WHO, ILO, UNESCO) and the Division of Human Rights of the United Nations Secretariat; subsequently, the Division of Narcotic Drugs and the Department of Trusteeship and Information from Non-Self-Governing Territories were also consulted.

8. In addition to the international organizations consulted, the following Governments replied to this enquiry:

*Africa:* Ethiopia, Union of South Africa.

*Asia and Far East:* Burma, Ceylon, India, Japan, Pakistan, Philippines.

*Europe:* Austria, Belgium, Denmark, Finland, France, Germany (Federal Republic of), Greece, Iceland, Ireland, Italy, Luxembourg, Monaco, Netherlands, Norway, Sweden, Switzerland, United Kingdom, Yugoslavia.

*Latin America:* Brazil, Costa Rica, Cuba, Honduras, Netherlands Antilles, Surinam.

*Middle East:* Hashemite Kingdom of Jordan, Lebanon.

*North America:* Canada, United States of America.

*Oceania:* Australia, Netherlands New Guinea, New Zealand.

9. The text of the draft and the observations received are contained in document ST/SOA/SD/L.1 and addenda 1 and 2.

10. Pursuant to paragraph (b) of the annex to General Assembly resolution 415 (V), the regional consultative groups in the field of the prevention of crime and the treatment of offenders were *inter alia* called upon to discuss, at their respective meetings, the 1951 draft of the Standard Rules; they considered the various observations and formulated such amendments to the text as they considered appropriate. These regional meetings were held as follows:

*Europe:* Geneva, 8-16 December 1952 (Report: ST/SOA/SD/GEN.1).

*Latin America:* Rio de Janeiro, 6-19 April 1953 (Report: ST/TAA/SER.C/13).

*Middle East:* Cairo, 5-17 December 1953 (Report: ST/TAA/SER.C/17).

*Asia and Far East:* Rangoon, 25 October - 6 November 1954 (Report: ST/TAA/SER.C/22).

11. As stated in the Report of the *Ad Hoc* Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders which met in 1953 (E/CN.5/298, paragraph 18) "it was decided that the manner in which the question would be laid before the [United Nations] Congress [on the Prevention of Crime and the Treatment of Offenders] would be finally determined at the next session of the Committee. The Secretariat will submit proposals on this subject, taking into account the discussion on the matter in the Committee and the conclusions of the regional conferences held prior to that session".

12. As the Advisory Committee of Experts will meet only a few days before the Congress, the Secretariat has prepared, on the basis of the discussions in the regional groups, a study of the rules which those groups adopted and a draft for submission to the next Advisory Committee and to the Congress, which will make such amendments as it may consider necessary with a view to the approval of a final text; the Congress will affirm the international character of the Minimum Rules and adopt an appropriate resolution, in accordance with paragraph (d) of the annex to General Assembly resolution 415 (V).

13. As regards the decision which the Congress may take on the Minimum Rules, it is worth recalling that the recommendations of the group of experts which met in 1949 (E/CN.5/154, paragraphs 28 and 29) and of the Social Commission at its fifth session, held in the same year (E/1568, paragraph 43), envisaged the preparation of an appropriate international agreement on the Minimum Rules, which would have to be submitted for approval to the competent United Nations organs.

14. Although the Advisory Committee, at its meeting in 1953, considered the possibility of classifying the Minimum Rules, as adopted by the regional conferences, into several groups, the first containing the rules which because of their general acceptance

may be regarded as of universal application, the second those where the differences are purely technical, certain terms being differently interpreted, and the third consisting of rules having a purely regional or local character, the study carried out by the Secretariat has shown that such a classification is unnecessary, as there are very few instances, in fact, where substantial differences of a regional, geographical, cultural or administrative nature necessitate special provisions.

15. On the contrary, the Minimum Rules can be adapted to given national or regional conditions if, in accordance with the Preliminary Observations of the draft, they are rendered sufficiently flexible; the proper application of such flexible rules will make it superfluous to draft intermediate rules coordinating the minimum rules of universal application and those rules which are applicable regionally or locally.

16. With these considerations in mind, the Secretariat has in each case endeavoured to draft a flexible provision allowing for regional characteristics in so far as they are accounted for by *de facto* conditions of climate, the general standard of living, etc. (hygiene, number of meals daily, etc.).

17. The Standard Rules specify only the minimum conditions which Governments should observe in prison administration. The Rules always imply an obligation, although they are sometimes phrased as recommendations indicating no more than the "desirable" course. The text contains no purely discretionary provisions, because the Minimum Rules are not intended as a complete set of prison regulations, even though the regional groups proposed some useful and reasonable provisions going beyond this framework of minimum and, at least morally, binding requirements.

18. The amendments proposed by the regional groups have been incorporated in the text whenever it was felt that they were acceptable in substance. Some of them have given rise to systematic changes, whereby the text as a whole has been better co-ordinated and repetitions eliminated. That was especially the case with the "General Principles", which appeared at the beginning of the "Rules" proper in the 1951 draft but which deal essentially with the enforcement of penalties and, consequently, belong in the section "Prisoners Under Sentence"; these principles have therefore been placed in that section, under the sub-heading

"Guiding Principles". Similarly, the provisions concerning medical services, which appeared previously under the "General Principles", the "Rules of General Application", the Rules applicable to "Prisoners Under Sentence" and those dealing with "Abnormal Prisoners", have been simplified and consolidated without the substance being affected.

19. The 1951 IPPC draft and the four regional drafts are not included in this document, as all these texts have already been published (see paras. 6 and 10 above). The Secretariat's observations on each provision are preceded by the necessary references, with the following abbreviations:

IPPC—original 1951 text

EUR—European text

LA—Latin American text

ME—Middle East text

AFE—Asia and Far East text

20. The text proposed by the Secretariat follows a uniform method of presentation, whereby the separate paragraphs of each rule are indicated by (1), (2) etc., and subsidiary enumerations by (a), (b) etc.; the original text used the latter method in both cases, thus giving rise to difficulties with references and quotations.

### Observations and proposals concerning the 1951 draft of the International Penal and Penitentiary Commission

#### Title of the draft

*Observations:* The Government of Brazil proposed the deletion of the word "minimum" in the title, on the ground that the rules were not "minimum" but fundamental to any perfect penitentiary system. They may indeed be regarded as such, by analogy to fundamental human rights.

Nevertheless, the European group considered the word "minimum" essential in the title since, while it is true that all the rules cannot yet be observed in certain countries, the development of the penal systems in many other countries has already in fact gone beyond the provisions of these rules.

The Latin American and Asia and Far East groups also retained the word "minimum".

It would seem from government comments that it is only financial difficulties (which also affect the closely connected question of the selection and training of institutional personnel) that still prevent certain countries from giving all the stipulated rules practical effect. No Government has raised any objections regarding the principle of their application. It is therefore correct to say that these Standard Rules correspond to minimum requirements regarded as appropriate and represent the basic principles of efficient modern prison administration. See, in this connexion, Preliminary Observations 1 and 3 below (Secretariat proposals Nos. 1 and 2).

The Latin American and Asia and Far East groups proposed the deletion of the word "standard" in the English title. As, however, this word gives a clear indication of the general nature of the Rules, which must be considered as a whole and which are recommended as universally applicable, the inclusion of the word in the title seems justified.

*Secretariat proposal for the title of the text:*

#### STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

#### Preliminary Observations

##### Preliminary Observation 1 (IPPC)

*Regional drafts:* EUR: 1—LA: 1—ME: 1—AFE: 1.

*Observations:* The text met with no objections on the part of the regional groups. It is advisable, however, to change the words "best developed" into "most adequate", so as not to give the impression, despite the statement in the first sentence, that the rules are anything but a universally applicable minimum; it is also necessary to insert the reference, originally in Preliminary Observation 2, to "the general consensus of contemporary thought".

*Secretariat proposal:*

#### Preliminary Observations

1. The following Rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.

##### Preliminary Observation 2 (IPPC)

*Regional drafts:* EUR: 2—LA: 2—ME: deleted—AFE: 2

*Observations:* The Middle East group pointed out that, as far as the "General Principles" were concerned, the structure of the draft Standard Rules could be improved. It is true that these principles refer essentially to prisoners under sentence and their treatment; it seems, therefore, more appropriate to transfer these provisions to Part II, which deals with rules applicable to special categories, and to place them in section A which provides for prisoners under sentence.

In order to avoid any unjustified exclusion with regard to prisoners in other categories, a new paragraph should be added to Preliminary Observation 6, as suggested by the Middle East group.

By reason of this modification in the structure of the draft, Preliminary Observation 2 becomes superfluous; it seems nevertheless advisable to retain, at the beginning of section A, the important statement which this observation contained (see beginning of Part II).

*Secretariat proposal:*

Deletion of the text.

**Preliminary Observation 3 (IPPC)**

*Regional drafts:* EUR: 3—LA: 3—ME: 2—AFE: 3.

*Observations:* The original text has been retained with only a few small drafting changes.

*Secretariat proposal:*

2. In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the Rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.

**Preliminary Observation 4 (IPPC)**

*Regional drafts:* EUR: 4—LA: 4—ME: 2, paragraph 2—AFE: 4.

*Observations:* The European group amended the original text, in order to eliminate any reference to a colonial government and to make it clear that the extent to which the Rules can be applied in certain territories does not depend on whether they are independent or non-self-governing but rather on the prevailing conditions and resources and, more especially, on fac-

tors such as their being sparsely populated or under-developed, which might give rise to difficulties in the application of the Rules.

The Asia and Far East group supported the European text, subject to a reservation that the terminology should conform with that of the United Nations Charter.

The Latin American group considered that the Minimum Rules, which are to apply in all countries of the world, must acknowledge the existence of colonies and non-self-governing and Trust Territories, without thereby implying any recognition of the colonial system as such.

The Middle East group followed the European group in eliminating the reference to colonial and non-self-governing countries. The subsisting text, however, seemed valueless *per se*, as it would apply only to sparsely populated or under-developed territories. Consequently, the group felt that it would be advisable to attach the remaining text of Observation 4 to the preceding Observation.

The Department of Trusteeship and Information from Non-Self-Governing Territories submitted two observations:

- (a) The terminology should be changed to conform with that of the United Nations Charter;
- (b) The total deletion of Observation 4 (proposed by some Latin American representatives) would be acceptable, provided that a general provision was included in the Standard Minimum Rules to the effect that the Rules should be equally applicable to metropolitan countries and to Trust and Non-Self-Governing Territories.

With regard to these different observations, it seems true, first of all, that the reference to "territories which are sparsely populated or under-developed" covers only some aspects of the problem under consideration.

On the other hand, the existence of Trust and Non-Self-Governing Territories is a fact of which the United Nations has taken account by setting up the Trusteeship Council and the Department of Trusteeship and Information from Non-Self-Governing Territories.

Finally, the substitution for Observation 4 of a general provision to the effect that the Standard Minimum Rules should be equally applicable to metropolitan countries and Trust and Non-Self-Governing Territories would not sufficiently take into account the practical difficulties envisaged in Observation 4.

It is therefore proposed that the original text should be maintained, but adapted to the terminology of the Charter.

*Secretariat proposal:*

3. In particular, difficulties may be found in the application of the Rules in systems of penal institutions of Trust and Non-Self-Governing Territories, especially where they are sparsely populated or under-developed. It is hoped, however, that metropolitan Governments responsible for the administration of such territories will use their best endeavours to ensure that both the principles and the practice of the Rules are followed to the maximum extent compatible with the conditions and resources of these territories.

**Preliminary Observation 5 (IPPC)**

*Regional drafts:* EUR: 5—LA: 5—ME: 3—AFE: 5.

*Observations:* The Latin American group objected to the expression "a central administration" and proposed that it should be superseded by "an authority responsible for prison administration". This question also arises in draft rules 4, 28, 30 and 40. It seems that the expression "central prison administration" is sufficiently flexible to allow for all possible differences in organization between the internal systems

of States; it designates the highest authority responsible for prison administration in every autonomous penitentiary system, whether in a State possessing a centralized administration, in a federal State, or in any constituent State of a confederation.

The Asia and Far East group proposed the insertion of the words "and practices" after the word "experiment", in order to stress that some countries already follow practices which are no longer experimental in nature.

The reference to the "General Principles" must be modified, as those provisions are being transferred to Part II of the text under another name.

*Secretariat proposal:*

4. On the other hand, the Rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the Rules as a whole. It will always be justifiable for the central prison administration to authorize departures from the Rules in this spirit.

**Preliminary Observation 6 (IPPC)**

*Regional drafts:* EUR: 6—LA: 6—ME: 4—AFE: 6.

*Observations:* The Latin American group proposed that there should be no enumeration of the different categories of prisoners but only a reference to "all categories of prisoners or persons under detention", in order to make it clear that all possible cases of detention were envisaged.

It seems preferable, however, to retain the draft text, as, in the first place, the categories mentioned are again referred to in sections A to D in Part II and, secondly, there is one category of persons under detention to which the Standard Rules will not apply, namely prisoners of war whose treatment is governed by different international rules (Convention of 12 August 1949).



In view of what has been said under Preliminary Observation 2 concerning the transfer of the General Principles to the beginning of section A of Part II, Preliminary Observation 6 should include the phrase proposed by the Middle East group, which is to be found at the end of the text hereunder.

The Asia and Far East group has added to the expression "security measures" an explanation making it clear that these measures have no political character.

*Secretariat proposal:*

5. (1) Part I of the Rules covers the general management of institutions and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures" directed towards their rehabilitation in conformity with modern penology.
- (2) Part II contains rules applicable only to the special categories dealt with in the different sections. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.

**Preliminary Observation 7 (IPPC)**

*Regional drafts:* EUR: 7—LA: 7—ME: 5—AFE: 7.

*Observations:* The Middle East group expressed the opinion that the Minimum Rules for the Treatment of Prisoners should not be used as a guide for the treatment of juvenile delinquents and expressed the hope that a special set of rules for the treatment of juvenile delinquents would be prepared.

The text of Preliminary Observation 7 was nevertheless adopted by that group, as well as by the other regional groups, and it certainly seems that at least the rules of general application afford valuable protection both to young and to adult prisoners.

It seems advisable, for the sake of clarity, to combine this text with that of draft General Principle 7, which also refers to young persons and is now out of its proper context, in the light of the statement in Preliminary Observation 7, as the General Principles have been transferred to Part II.

Regarding the text of General Principle 7, the European group and the Asia and Far East group amended the text to read that re-education and rehabilitation should be the "primary" (and not the "sole") aims of the regime applied to young persons. By contrast, the Latin American and Middle East groups both felt that it was necessary to lay greater stress on the principle that young persons should not be sentenced to imprisonment and that the question was one of "education" rather than "re-education".

The Middle East group also pointed out that the principle of separating young prisoners is set forth in draft Rule 3 (d) as well as in the text of General Principle 7. It may be advisable to avoid direct repetition by the use of slightly different wording.

*Secretariat proposal:*

6. (1) The Rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general Part I would be equally applicable in such institutions.
- (2) The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. In principle young persons should not be sentenced to imprisonment. Where this is unavoidable, every precaution should be taken to separate them from other prisoners, if possible in separate institutions accommodating no more than two hundred inmates, where they should receive a treatment similar so far as is possible to that applied in training schools.

## General Principles

See Part II below

### Part I

#### Rule 1 (IPPC)

*Regional drafts:* EUR: 16—LA: 16—ME: 1—AFE: 16.

*Observations:* In accordance with an amendment proposed by the Division of Human Rights, the European group added discrimination on grounds of language or national origin to the enumeration in paragraph 1.

On the other hand, the group did not consider that there should be any specific mention of sex in the enumeration since special provisions in the rules take sex into account whenever it is necessary to give women prisoners special treatment (which is always better than the treatment given to prisoners generally). If sex were specifically mentioned in Basic Principle 1, which calls for the impartial application of the Minimum Rules, it might suggest that women could be given less favourable treatment than men, which was certainly not the intention of the proposal made by the Division of Human Rights. The proposal, after all, was not a formal one.

The Latin American and the Asia and Far East groups, however, added discrimination on grounds of sex to the list in paragraph 1 and it is considered that the addition should be retained so that the text will conform with that of the Universal Declaration of Human Rights (see below), despite the fact that discrimination on grounds of sex is in practice a factor of little or no importance in prison treatment.

A proposal that differences in social and cultural level should be taken into account, with provision for milder treatment for persons of a lower social and cultural level as being less capable than educated persons of understanding the seriousness of their offences, was rejected by the Latin American group.

The Middle East group noted that in some Middle East countries the treatment received varied according to the "social standing" of the prisoner and that the law should therefore be amended whenever provision was made for the separation of prisoners according to social standing. A minority raised the objection that the inequality of treatment was to some degree only apparent. If, for instance, a physician and a vagrant were sentenced to the same penalty the physician would suffer more than the vagrant who would easily adapt himself to conditions similar to those under which he normally lived. This view was not accepted by the group which felt that living conditions in prison should be the same for all prisoners, and should be kept at a reasonable level compatible with the purposes of the penalty imposed.

The contradictory arguments advanced by minorities in various regional groups in support of preferential treatment according to social standing in themselves show that the principle of equality of treatment is the only defensible one, provided that prison living conditions reach the minimum level described in the Standard Rules.

The various additions to paragraph 1 would appear to be justified and there is no objection to the Asia and Far East group's proposal that the text should reproduce the enumeration contained in Article 2 of the Universal Declaration of Human Rights of 10 December 1948.

With regard to the second paragraph, the Latin American group proposed the deletion of the words "so far as possible".

*Secretariat proposal:*

#### Part I: Rules of General Application

*Basic principle*

7. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex,

language, religion, political or other opinion, national or social origin, property, birth or other status.

(2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

### Rule 2 (IPPC)

*Regional drafts:* EUR: 17—LA: 17—ME: 2—AFE: 17.

*Observations:* The reference to the hour of admission and release, which an amendment proposed should be deleted, was maintained by the regional groups because in many countries the time for which a person may be detained without certain formalities being complied with is calculated in hours.

Only slight drafting changes have been made in the text.

*Secretariat proposal:*

*Register*

8. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:

- (a) information concerning his identity;
- (b) the reasons for his commitment and the authority therefor;
- (c) the day and hour of his admission and release.

(2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

### Rule 3 (IPPC)

*Regional drafts:* EUR: 18—LA: 18—ME: 3—AFE: 18.

*Observations:* Several amendments were proposed to the effect that the list of categories of detainees who should be committed to separate institutions or premises should be extended (alcoholics or drug addicts, pregnant women, persons who have committed offences through negligence, habitual offend-

ers). Most of the regional groups took the view that the rule should not be amended along those lines, for the enumeration of the cases in which separation is necessary is not exhaustive and it is not the purpose of the Minimum Rules to mention every possible case. Moreover, some of these cases are dealt with elsewhere in the draft (see for example rules 52 and 53 concerning classification, 67 and 68 relating to abnormal persons). Consequently paragraphs (a), (b) and (c) are left unchanged, and it is also not necessary to add a new paragraph (e) proposed by the Asia and Far East group to the effect that "persons sentenced to a short term imprisonment shall be kept separate as far as practicable."

With regard to the separation of young prisoners mentioned in paragraph (d), the Middle East group pointed out that this case was likewise covered by General Principle 7 of the draft and considered that rule 3 (d) should relate to "young adults". A better solution will be to modify the text of General Principle 7 so as to avoid repetition (see the new text, combined with the former Preliminary Observation 7 and now submitted as Secretariat proposal No. 6) and not to mention young adults any more than the other special categories considered above. This solution indeed seems to be the only one, because these are only minimum rules and because not only do the age limits applicable to this category vary greatly from country to country according to the penal and penitentiary system but also young adults constitute the group most likely to include dangerous elements, who should be placed under a stricter security regime than the majority of prisoners in the same age group. Preferably therefore the different countries should be allowed some latitude in the matter.

The Latin American group deleted from paragraph (d) the sentence "except where a departure from this rule is authorized by the central administration in the interest of the young prisoners", as it

felt that emphasis should be placed clearly on the need for keeping minors separate from adults and that separation was always in the interest of the young prisoners. The Asia and Far East group adopted the same course. The Middle East group retained the sentence but also felt somewhat hesitant, even though the paragraph (d) which it proposed only applied to young adults.

The exception was originally inserted in the draft because of certain successful experiments which several European countries had introduced and wished to continue; those experiments consisted of mixing young prisoners with a few specially selected older prisoners. Nevertheless, as these are minimum rules, it may in fact be better to state the principle without any express reference to the exception. A departure from the rule, solely in the interests of the young prisoners and authorized by the central prison administration, would always be permissible in accordance with Preliminary Observation 5 (Secretariat proposal No. 4).

Finally, the Middle East group felt that a new paragraph in the following terms should be added to rule 3: "(e) Persons convicted of offences of opinion shall be kept separate from persons convicted of offences against the ordinary law".

This paragraph carried a footnote which stated: "The definition of offences of opinion falls within the competence of the legislature of each country, which will also have power to decide whether political offences may be regarded as offences of opinion".

The working group which considered the Standard Rules at the Middle East regional seminar noted that the draft contained no special rules applicable to political prisoners or to persons arrested and detained by order of the administrative authorities.

As regards persons convicted by the judicial authorities for political offences specified in and punishable under the penal law, some members of

the working group thought that the text might have contained some special provisions. Others, however, felt that persons convicted of political offences should not be treated differently from other prisoners. No agreement was reached, but the working group wished to stress the difference between political offences and offences of opinion. That was why the Middle East regional seminar added the paragraph in question to the text.

With regard to persons arrested and interned by order of the administrative authorities, the working group felt that these persons were in an exceptional category; they were arrested without warrant and without any decision of the regular courts and, consequently, should not be admitted to prison. It felt that these exceptional cases, arising from circumstances which were themselves also exceptional, could not be covered by the Standard Minimum Rules. It wished, however, to place on record its disapproval of administrative internment and concentration camps and expressed the hope that the question of the treatment of such internees would be automatically solved as and when internment camps ceased to exist.

In the light of the views expressed and the proposed addition of the Middle East group's paragraph (e), it should be stressed that the term "offences of opinion" is an even more controversial concept than that of "political offence" and overlaps, at least partly, with the problem of administrative internment. Modern rules of law generally require the commission of some specific *act* before a mere offence of opinion becomes punishable, whether as a political offence, or as a breach of the ordinary penal law, or as a "mixed" offence. Neither offences of opinion nor administrative internment can be expressly referred to in the Minimum Rules (draft rule 78 refers to a form of imprisonment which, although not penal, is based on a *judicial* decision). As, however, the enumeration in rule 3 is not ex-

haustive, every country is perfectly entitled to separate persons convicted for offences of opinion (and, of course, political prisoners) from other categories.

In view of the foregoing, it is proposed that the exception in paragraph (d) should be deleted but that the remainder of the original text should stand.

*Secretariat proposal:*

*Separation of Categories*

9. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

(a) men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;

(b) untried prisoners shall be kept separate from convicted prisoners;

(c) persons imprisoned for debt and other civil prisoners shall be kept separate from convicted prisoners;

(d) young prisoners shall be kept separate from adults.

**Rule 4 (IPPC)**

*Regional drafts:* EUR: 19—LA: 19—ME: 4—AFE: 19.

*Observations:* The European group decided not to take into account certain observations relating to the second sentence of the first paragraph, which states that it is not desirable to have only two prisoners in a cell if temporary overcrowding makes it necessary to make an exception to the rule concerning sleeping accommodation in individual cells. It felt that, even though certain countries might consider that the fear of homosexuality was exaggerated and that the system of two prisoners to a room could be maintained in certain penal colonies, there was in general every justification for such a fear.

Another objection to the housing of three prisoners in a cell was that existing cells were often too small in surface area and air-space for occupa-

tion by three persons. This objection is worth recording although the rule in question is concerned specifically with the exceptional case in which overcrowding of the available space has to be remedied by one means or another.

The cell system in general having been criticized, the European and Middle East groups decided to make it clear that the rule was concerned solely with sleeping accommodation and to emphasize that, on the contrary, isolation by night was highly desirable.

The Middle East group replaced the word "cell" by "individual room" to avoid the confusion which might result from the fact that the Arabic word for "cell" was used colloquially in the specific sense of "disciplinary cell".

The Latin American group deleted the word "only" from the second sentence of the first paragraph.

No amendments were made to the second paragraph.

The French title for rules 4 to 9 should be changed from *Logement* to *Locaux de détention* to correspond with the English title "Accommodation" as distinct from sleeping accommodation, which is dealt with in rule 5.

*Secretariat proposal:*

*Accommodation*

10. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.

(2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, except in institutions with a system of trust.

### Rule 5 (IPPC)

*Regional drafts:* EUR: 20—LA: 20—ME: 5—AFE: 20.

*Observations:* On a drafting point see the last paragraph of the observations on rule 4.

The Latin American group and the Asia and Far East group introduced into the original text the words "minimum floor space".

The Middle East group added a new paragraph giving figures for the floor space and cubic content of air, which it felt would be very useful in the Middle East owing to the construction of some penal institutions.

That consideration very probably holds true quite generally and should be taken into account.

#### *Secretariat proposal:*

11. (1) All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

(2) A floor space of 6 m<sup>2</sup> (65 square feet) per prisoner and cubic air content of 15 m<sup>3</sup> (530 cubic feet) under normal conditions of ventilation must be considered as minimum requirements.

### Rule 6 (IPPC)

*Regional drafts:* EUR: 21—LA: 21—ME: 6—AFE: 21.

*Observations:* No amendments having been submitted, the text of the draft rule stands, apart from a slight drafting change in the English text of paragraph (a).

#### *Secretariat proposal:*

12. In all places where prisoners are required to live or work,  
(a) the windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;

(b) artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.

### Rule 7 (IPPC)

*Regional drafts:* EUR: 22—LA: 22—ME: 7—AFE: 22.

*Observations:* The regional groups retained the original text.

#### *Secretariat proposal:*

13. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

### Rule 8 (IPPC)

*Regional drafts:* EUR: 23—LA: 23—ME: 8—AFE: 23.

*Observations:* The European and Middle East groups inserted a provision to the effect that the water to be used for baths and showers, which every prisoner should be able to use at least once a week, should be at a temperature suitable to the climate.

The Latin American group adopted a more general provision to the effect that the bathing and shower installations should be adequate to enable every prisoner "to make full use of them according to the season, at least three times a week". The Asia and Far East group adopted the first part of this provision.

With regard to the Latin American clause, it should be noted that the administration must be left free to prevent the abuse of bathing and shower facilities. On the other hand the requirements of hygiene, which vary with season and geographical region, must be taken into account. Without prejudice to the general minimum rule that the installations shall be adequate to enable every prisoner to have a bath or a shower at least once a week, it must be emphasized that the prison administrations of tropical regions are under a duty to provide installations (or other facilities) for more frequent use.

Draft rule 12, which provides that every prisoner shall be required to have a bath or a shower, should be amalgamated with this rule.

*Secretariat proposal:*

14. The bathing and shower installations shall be adequate to enable and require every prisoner to have a bath or a shower, at a temperature suitable to the climate, as frequently as is required by general hygiene according to season and geographical region, but at least once a week in a temperate climate.

**Rule 9 (IPPC)**

*Regional drafts:* EUR: 24—LA: 24—ME: 9—AFE: 24.

*Observations:* The regional groups retained the original text.

*Secretariat proposal:*

15. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

**Rule 10 (IPPC)**

*Regional drafts:* EUR: 25—LA: 25—ME: 10—AFE: 25.

*Observations:* The regional groups retained the original text.

*Secretariat proposal:*

*Personal Hygiene*

16. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

**Rule 11 (IPPC)**

*Regional drafts:* EUR: 26—LA: 26—ME: 11—AFE: 26.

*Observations:* The regional groups retained the original text.

*Secretariat proposal:*

17. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and of the beard and to enable men to shave regularly.

**Rule 12 (IPPC)**

*Regional drafts:* EUR: 27—LA: deleted—ME: 12—AFE: 27.

*Observations:* While rule 8 provides that the bathing installations shall be adequate to enable every prisoner to have a bath or a shower regularly, rule 12, under the heading "Personal Hygiene", provides that every prisoner shall be required to have a bath or a shower. It is preferable, however, to delete the latter provision and to incorporate the substance in the former (see Secretariat proposal No. 14).

The Middle East group amended the text to make it clear that it is the responsibility of the prison administration to require every prisoner to have a bath or a shower once a week, but this seems self-evident.

*Secretariat proposal:*

Deletion of the text.

**Rules 13 and 14 (IPPC)**

*Regional drafts:* EUR: 28 and 29—LA: 27 and 28—ME: 13 and 14—AFE: 28 and 29.

*Observations:* The Asia and Far East group deleted the words "including underclothing" in the first paragraph of rule 13 and added the words "wherever provided" in the second paragraph; the latter amendment seems redundant, as the reference to climate in the first paragraph is sufficient to ensure the necessary flexibility.

Other amendments specify that underclothing should be washed "as often as necessary for the maintenance of hygiene".

To avoid repetition, the second paragraph should be so worded as to apply both to clothing provided by the administration and to the personal clothing of prisoners, and the last sentence of rule 14 should be deleted.

One amendment to the third paragraph of rule 13 mentioned appearance before an authority as well as appearance in court. This may be considered justified, but it is preferable to adopt the more general wording which the Asia and Far East group substituted for this passage: ". . . whenever a prisoner is removed outside the institution for an authorized purpose . . .".

*Secretariat proposals:*

*Clothing and Bedding*

18. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.
- (2) All clothing shall be clean and kept in proper condition at all times. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.
- (3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing.
19. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.

**Rule 15 (IPPC)**

*Regional drafts:* EUR: 30—LA: 29—ME: 15—AFE: 30.

*Observations:* As it is a frequent practice in the East to sleep on mats on the floor, the Asia and Far East group specified that the term "bed" should be interpreted in accordance with local or national standards.

*Secretariat proposal:*

20. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

**Rule 16 (IPPC)**

*Regional drafts:* EUR: 31—LA: 30—ME: 16—AFE: 31.

*Observations:* The Latin American group and the Asia and Far East group specified in the first paragraph that prisoners are to be provided with food "at the usual hours".

The Middle East group made the text more definite by stipulating that it was the administration's responsibility to ensure that every prisoner was provided with food and that the frequency of meals should be determined by local custom; it was recommended, however, that food should be distributed according to the prisoners' needs and in the form of three meals a day. In the latter connexion, however, it would appear preferable to retain the wording "at the usual hours", since the first paragraph already takes the prisoners' needs into account, and local custom as to the number of meals varies widely in different parts of the world.

The Middle East group added to the second paragraph, concerning drinking water, the words "according to his needs" after the words "at all proper times"; the Asia and Far East group, on the other hand, deleted the word "proper", which is considered preferable.

*Secretariat proposal:*

*Food*

21. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate



for health and strength, of wholesome quality and well prepared and served.

(2) Every prisoner shall be able to obtain drinking water at all times.

#### Rule 17 (IPPC)

*Regional drafts:* EUR: 32—LA: 31—ME: 17—AFE: 32.

*Observations:* In the first paragraph, which prescribes conditions for prisoners' exercise, some regional groups deleted either the words "where practicable", or the words "and in any case not less than half-an-hour", or the exception for prisoners employed in out-door work. Apart from the last-mentioned amendment, which appears to exceed the scope of purely minimum rules, it is desirable to take these amendments into account. The rule will accordingly provide that every prisoner who is not employed in out-door work shall have one hour of exercise daily if the weather permits.

The Middle East group inserted the words "even if undergoing punishment" as it considered that a specific reference to access to exercise for prisoners undergoing punishment was advisable in order to prevent any vagueness in the rule from being used as a pretext to deprive them of exercise. It would seem unnecessary, however, to mention this case in the minimum rules, since draft rule 26 provides the necessary medical safeguards in respect of every punishment which may affect the prisoner's health.

In the second paragraph three regional groups deleted the words "where possible" so that the latitude allowed could not be used as a pretext for withholding the necessary space and equipment for physical training. One group expanded the reference to space and equipment to include "installations".

*Secretariat proposal:*

*Exercise and sport*

22. (1) Every prisoner who is not employed in out-door work shall have one hour of exercise in the open air daily if the weather permits.
- (2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

#### Rule 18 (IPPC)

*Regional drafts:* EUR: 33—LA: 32—ME: 18—AFE: 33.

*Observations:* The European group approved a World Health Organization proposal for the first paragraph to the effect that the medical services of penal institutions should be organized in close relationship to the general health administration of the community or nation.

The Middle East group did the same; in addition, considering that only one qualified medical officer would be insufficient for some institutions, it inserted the words "at least" to make it clear that one medical officer was the minimum.

The Latin American group, on the other hand, considered that there should be greater latitude to allow for the methods peculiar to each country and institution and the resources available to them; it therefore substituted the more general wording "At every institution adequate medical services shall be available" for the draft provision that at every institution there should be available the services of a qualified medical officer who should have some knowledge of psychiatry.

The Asia and Far East group accepted that general wording.

However, since the specific text of the draft rules lays down a necessary minimum by emphasizing the importance of knowledge of psychiatry,

though without requiring the medical officer to devote all his time to the institution, or to a *single* institution, and without requiring him to reside at the institution, it is considered that the amendment should not be adopted. (See also draft rule 45.)

The clause from the original General Principle 5 to the effect that the medical services should include a psychiatric service for the diagnosis and treatment of states of mental abnormality – a principle which is restated in a more categorical form in draft rule 68 – should be added to the first paragraph.

In addition to various drafting amendments, several amendments were made to the substance of the second paragraph:

The Latin American group and the Asia and Far East group deleted the last phrase on the grounds that there was no need to mention that the hospital staff of institutions should be suitably trained; the Middle East group, however, emphasized the question of training by inserting the words “*and adequately*” after the word “*suitably*”. The original provision would appear necessary and at the same time adequate to describe the minimum conditions required.

The specific reference to “*pharmaceutical supplies*” inserted by the Middle East group appears justified.

Lastly, the regional groups approved an amendment adding a third paragraph to provide that the services of a “*dentist*” or “*qualified dental officer*” should be available to every prisoner, but without requiring the appointment of a full-time dental officer at every institution.

In connexion with some observations made by the Division of Narcotic Drugs it should be pointed out that the treatment of prisoners addicted to narcotic drugs is covered in general but adequate terms by the second paragraph of rule 18. Rule 20, the fourth paragraph of rule 37, General Principle

5 (Secretariat proposal No. 63), and rules 67 and 68 concerning mentally abnormal prisoners are also applicable to such cases. Within the scope of the Standard Minimum Rules it would be difficult to go into greater detail with regard to this special category of prisoners. Under rule 3, which is a non-exhaustive rule, such prisoners may of course be separated from other categories of prisoners.

*Secretariat proposal:*

*Medical services*

23. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

(2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishing and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers.

(3) The services of a qualified dental officer shall be available to every prisoner.

**Rule 19 (IPPC)**

*Regional drafts:* EUR: 34—LA: 33—ME: 19—AFE: 34.

*Observations:* The Middle East group amended the first paragraph to specify that in women's institutions there should be special accommodation not only for the treatment of pregnant women but also for women after childbirth or convalescent. Although it may be considered that this should be self-evident, an express provision to this effect may be useful.

The European group considered that there was no need to mention the necessary dietetic measures

as they were covered by the other special treatment measures.

Both groups adopted more precise wording for the second paragraph to prevent it from being construed as implying that nursing infants should be separated from their mothers, and to specify that the nursery should be staffed by qualified persons.

*Secretariat proposal:*

24. (1) In women's institutions there shall be special accommodation for the proper treatment of pregnant women and of those after childbirth or convalescent; but wherever practicable arrangements shall be made for children to be born in a hospital outside the institution.
- (2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery, staffed by qualified persons, in which the infants shall be placed when they are not in the care of their mothers.

**Rule 20 (IPPC)**

*Regional drafts:* EUR: 35—LA: 34—ME: 20—AFE: 35.

*Observations:* The Middle East group inserted the words "or mental" in the phrase "the noting of physical defects" to allow for the fact that a mental defect might well affect a prisoner's physical capacity for work. This amendment should be retained.

With regard to prisoners addicted to narcotic drugs, see the concluding observations on rule 18.

*Secretariat proposal:*

25. The medical officer shall see and examine every prisoner as soon as possible after his admission, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.

**Rule 21 (IPPC)**

*Regional drafts:* EUR: 36—LA: 35—ME: 21—AFE: 36.

*Observations:* In the interests of clarity the Latin American group replaced the words "will be" in the second paragraph by the words "has been". This amendment, however, would seem to alter the substance considerably, for the essential purpose of the original text was to ensure that the medical officer would report to the director whenever he considered that a prisoner's physical or mental health might be injuriously affected by the length or any other condition of imprisonment, and not merely after the prisoner's health had already been injuriously affected by his imprisonment.

The Asia and Far East group combined the two versions and it is considered that this amendment should be retained.

The Middle East group rejected a suggestion that the text should state that the director should follow the medical officer's recommendations. It felt that the director should retain full authority and, in particular, take full responsibility after considering the situation in the light of all the facts, some of which might not be available to the medical officer. An additional provision added by the group to the next rule, however, partly disposes of the objections raised.

*Secretariat proposal:*

26. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.
- (2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

## Rule 22 (IPPC)

*Regional drafts:* EUR: 37—LA: 36—ME: 22—AFE: 37.

*Observations:* The Middle East group considered that the medical officer should advise the director upon the quantity as well as the quality of food.

The group also added at the end of the rule a new provision to make it clear that, although the decision rested with the director, the latter should give consideration to reports and advice received from the medical officer as provided in rules 21, second paragraph, and 22 and, if he approved them, ensure that they were complied with.

The Latin American group added to the list of the medical officer's duties a new paragraph regarding the observance of regulations concerning physical education and sports, in cases where there was no technical personnel in charge of those activities. The Asia and Far East group accepted this amendment.

### *Secretariat proposal:*

27. (1) The medical officer shall regularly inspect and advise the director upon:

- (a) the quantity, quality, preparation and service of food;
- (b) the hygiene and cleanliness of the institution and the prisoners;
- (c) the sanitation, heating, lighting and ventilation of the institution;
- (d) the suitability and cleanliness of the prisoners' clothing and bedding;
- (e) the observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

(2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 26 (2) and 27 and, in case he concurs with the recommendations made, shall see to it that they be followed.

## Rules 23 to 26 (IPPC)

*Regional drafts:* EUR: 38 to 43—LA: 37 to 41—ME: 23 to 28—AFE: 38 to 43.

*Observations:* The European, Middle East and Asia and Far East groups replaced the title "Disciplinary Offences and Punishments" by "Discipline and Punishment", and placed rule 49 of the original text immediately after this title. The latter change was also accepted by the Latin American group.

All four groups also approved the insertion of a new rule prohibiting the employment of prisoners in any disciplinary capacity, on the grounds that disciplinary powers were all too frequently abused by prisoners. At the same time, however, they feared that too hard-and-fast a rule might hamper the development of the new methods of self-government or scout-type programmes under which prisoners living in groups are permitted to exercise a clearly defined authority over one another and to hold certain powers arising from such authority.

This idea should be retained in the form approved by the Middle East group, in which the necessary reservation is very carefully formulated.

### *Secretariat proposals:*

#### *Discipline and Punishment*

28. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.

29. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

(2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

### Rule 23 (IPPC)

*Regional drafts:* EUR: 40—LA: 39—ME:25—AFE: 40.

*Observations:* The Latin American group proposed that the first sentence should simply read: "The following shall always be determined by law or by regulation. . . ." The Asia and Far East group accepted this wording. The specific reference to the regulation (or decree) of a competent administrative authority would seem, however, to be a necessary safeguard in connexion with punishment, which may tend to be arbitrarily imposed if the powers of the director and officers of the institution are not based on clear and precise rules. The word "decree" should be replaced by the word "regulation", which is used in other parts of the text (see for example rule 60).

In the last paragraph the Latin American group added the words: ". . . and never twice for the same offence". The first paragraph of the next rule is, however, a more appropriate place for this provision.

The European and Middle East groups amended paragraph (c) to provide that the law or the regulation of the competent administrative authority should determine the authority competent not only to award punishment but also "to terminate or mitigate such an award"; the Asia and Far East text added the idea of mitigation only. In this connexion it would appear preferable to retain the original text, since under paragraph (b) the type and duration of punishment are to be determined when it is inflicted and, moreover, there may be cases in which the director, on the advice of the medical officer [see rule 26 and Secretariat proposal No. 33 (2) and (3)], may have to take immediate action. Accordingly it is advisable not to go into too much detail on this point.

A proposal to provide for *deprivation* of work as a disciplinary punishment for serious offences was rejected by the European group. A provision of this

kind would in fact be out of place in the Minimum Rules.

*Secretariat proposal:*

30. The following shall always be determined by the law or by the regulation of the competent administrative authority:
- (a) conduct constituting a disciplinary offence;
  - (b) the types and duration of punishment which may be inflicted;
  - (c) the authority competent to impose such punishment.

### Rule 24 (IPPC)

*Regional drafts:* EUR: 41—LA: 40—ME: 26—AFE: 41.

*Observations:* The Division of Human Rights proposed that the text should be amended to guarantee the right of a prisoner charged with an offence above a certain degree of gravity to trial by an impartial person (not connected in any way with the administration of the prison), and to allow for an appeal against any disciplinary punishment to a superior authority.

The European group considered, on the one hand, that responsibility for disciplinary questions should rest solely with the prison administration and, on the other hand, that draft rule 30, under which prisoners could make complaints, without censorship, to the highest authorities, including non-penitentiary authorities, was equivalent to an indirect right of appeal. The proposal was rejected by the European and the Middle East groups on these grounds.

The Latin American group pointed out that the word "etranger" in the French text unduly restricted the text whenever several languages were spoken in a country (this restriction is not included in the English text of the draft rule).

It also added two additional paragraphs to the text providing as follows: "(c) In the case of a first disciplinary offence, and if the previous conduct of

the prisoner justifies it, suspended punishment may be awarded; (d) No female prisoner shall be subjected to any disciplinary measures which might affect her unborn or nursing child." The Asia and Far East group also adopted these provisions.

It is not considered, however, that these two amendments should be adopted. The case covered by (c) is irrelevant to Standard Rules concerned only with the prescription of minimum conditions; the case dealt with under (d) is covered with regard to the woman, and *a fortiori* with regard to the child, by the medical safeguards provided by rule 26 (Secretariat proposal No. 33) in respect of the application of any punishment that may be prejudicial to physical or mental health.

As mentioned above, the last paragraph of the previous rule will become the first paragraph of this rule.

*Secretariat proposal:*

31. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.
- (2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.
- (3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.

**Rules 25 and 26 (IPPC)**

*Regional drafts:* EUR: 42 and 43—LA: 41—ME: 27 and 28—AFE: 42 and 43.

*Observations:* The European group did not amend the text of rule 25 but noted the reservations which several Governments made owing to the fact that corporal punishment was still permitted to a limited extent under the legislation of certain countries.

The group rejected a proposal for the inclusion of reduction of diet among prohibited punishments on the ground that the rules were minimum rules and that reduction of diet was a useful punishment for certain prisoners for whom other punishments would be ineffective.

The Middle East group also adopted the original text of rule 25, but pointed out that under existing circumstances the rule would present a serious problem to the prison authorities of some of the Middle East countries in connexion with both corporal punishment and the dark cell. It expressed agreement in principle that the unqualified prohibition of corporal punishment and the dark cell and of all inhuman or degrading punishments, as disciplinary sanctions, was at least a goal to be set and striven for. That goal could be attained through the gradual institution of a scale of disciplinary measures to replace punishments which one day would appear both inhuman and futile even in countries where law and custom did not permit them to be abandoned abruptly.

The Asia and Far East group adopted rules 25 and 26 in their original form after approving, with a large minority dissenting, the prohibition of corporal punishment.

The European group realized the potentially dangerous nature of the provision in the first paragraph of rule 26 that close confinement, reduction of diet, "or any other method that may be prejudicial to physical or mental health" should never be inflicted unless the medical officer had examined the prisoner and certified in writing that he was fit to sustain it. The group inserted after the word "method" the words "not prohibited by rule 25" in order to allay any apprehension with regard to the punishments expressly prohibited by that rule.

For the same reason the Middle East group adopted a fuller version of the first paragraph in the form of the following two paragraphs, which it considered clearer and more cautious.

"Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

"The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 25."

No change was made in the second paragraph of rule 26, which provides for continuous medical supervision of prisoners undergoing such punishments.

The Latin American group combined rules 25 and 26 in one rule, which is much more positive in that it also expressly prohibits reduction of diet and any other form of punishment or practice which may be prejudicial to physical or mental health, and places under the supervision of the medical officer *all* prisoners undergoing disciplinary punishment, whether severe or light.

The inclusion of the words "or practice" was designed to prevent dangerous or degrading experiments such as were said to have been made during the last war. Draft rule 23, however, appears to dispose adequately of this fear by providing that punishment shall always be determined by the law or by the regulation of the competent administrative authority, which means that disciplinary punishments that are not based on some law or regulation but purely on administrative practice are inadmissible. Apart from the question of disciplinary punishments, experiments of this kind appear to be precluded, without need for special reference to them, by the many safeguards which the Minimum Rules provide with regard to the medical service and medical supervision, the applicable restraints, the right of prisoners to complain, regular inspection, humane treatment in general, and the exclusion of all arbitrary action.

The text adopted by the Latin American group reads as follows:

"(a) Disciplinary penalties in the form of corporal punishment, solitary confinement in a dark cell, reduction of diet, or any other form of punishment or practice which may be prejudicial to the prisoner's physical or mental health or which is degrading to him shall be expressly prohibited.

"(b) The medical officer shall visit daily prisoners undergoing disciplinary punishment, and shall propose to the administration of the institution, if he considers it necessary on grounds of physical or mental health, the termination or alteration of the form of punishment."

A problem arises as to how far it is possible, at the present time, to condemn severe disciplinary measures and make the authority of the director of the institution subject to the advice of the medical officer so far as the imposition of lawful punishments is concerned.

The present period is one of transition: most States have abandoned corporal punishment and the use of the dark cell, and all regional groups appear to agree in principle that they should be completely prohibited. Opinions as to the reduction of diet are divided: it does not appear possible to require all countries to abandon this punishment completely at the present time. Any danger to the prisoner's health should be precluded by the provision regulating the examination of prisoners by the medical officer before the imposition of, and while undergoing, such punishment. If the Latin American group also wishes to prohibit completely "any other form of punishment which *may* be prejudicial to the prisoner's physical or mental health", this would also cover ordinary solitary confinement, a punishment which may easily have harmful effects on mental health; the formula is thus too general. On the one hand it is impossible to deprive the director of the right to impose any severe punishment, and on the other it

is the medical officer's responsibility to ensure that the prisoner's health is not endangered by the type or duration of certain punishments, on the understanding that all cruel, inhuman or degrading punishments are completely prohibited in the first place. Nor, lastly, can there be any question of providing that the medical officer must visit *every* prisoner undergoing disciplinary punishment every day; he must be bound to pay a daily visit only to those whose health may be adversely affected by a punishment of a certain severity, such as solitary confinement, reduction of diet, and deprivation of exercise.

For all these reasons it appears desirable to retain the original text of rule 25 and the two paragraphs drafted by the Middle East group to replace the first paragraph of rule 26, and to introduce in the last paragraph of rule 26 one of the amendments ("or alteration") made by the Latin American group.

*Secretariat proposals:*

32. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.
33. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.  
(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 32.  
(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

**Rules 27 and 28 (IPPC)**

*Regional drafts:* EUR: 44 and 45—LA: 42 and 43—ME: 29 and 30—AFE: 44 and 45.

*Observations:* A proposal by the Division of Human Rights that rule 27 (b) should be omitted was not accepted by the regional groups.

The groups also decided unanimously to add paragraph (d) of rule 27 to rule 28.

In addition the Middle East group inserted the words "or administrative" between the word "judicial" and the word "authority" in paragraph 27 (a); this formula appears preferable to the words "competent authority" which two other groups proposed, as the object is to extend the provisions to cover appearance before a purely administrative authority, while the actual competence of the authority has no bearing on the question of using restraints when the prisoner appears before it.

The Latin American group ruled out the use of chains, even as a restraint or safety measure. This seems justified and should apply to irons also, as handcuffs should be sufficient even for a dangerous prisoner provided other precautions are also taken. At the end of paragraph (c) the Latin American group replaced the words: "A report shall be made to the central administration" by the words "and report to his immediate superiors"; this wording was also accepted by the Asia and the Far East group.

Certain drafting changes are also required.

*Secretariat proposals:*

*Instruments of Restraint*

34. Instruments of restraint such as handcuffs, chains, irons and strait-jackets shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:
  - (a) as a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;



(b) on medical grounds by direction of the medical officer;

(c) by order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

35. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

#### Rule 29 (IPPC)

*Regional drafts:* EUR: 46—LA: 44—ME: 31—AFE: 46.

*Observations:* The Middle East group, taking into account the case of areas where there is a high percentage of illiteracy, made an amendment with regard to the oral information of illiterate prisoners; the Asia and Far East group made a similar provision. The Middle East text makes it clear that oral information is the exception rather than the rule.

*Secretariat proposal:*

#### *Information to and Complaints by Prisoners*

36. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.
- (2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

#### Rule 30 (IPPC)

*Regional drafts:* EUR: 47—LA: 45—ME: 32—AFE: 47.

*Observations:* The regional groups introduced later in the text (see the end of Part I, after rule 47) a new rule recommending the organization of a prison inspection service; in this connexion, they also inserted in rule 30 a new paragraph providing that it shall be possible to make requests or complaints to the inspector of prisons during his inspection and that the prisoner shall have the opportunity to talk to the inspector without the director or any other member of the staff being present.

In order to cover countries where there is no special inspection service, the Latin American group inserted the words: "or to any other inspecting officer". In addition it replaced the words "each day" in paragraph (a) by the words "at all times" and added the words "with all due safeguards"; however, the original wording appears preferable. In the last paragraph it inserted the words "and in proper form" in order to ensure that the request was couched in respectful terms. This, however, requires a distinction between censorship of substance and censorship of form.

The Asia and Far East group introduced a new paragraph to ensure that every request or complaint should be promptly acted upon and an early reply made to the prisoner concerned.

*Secretariat proposal:*

37. (1) Every prisoner shall have the opportunity each day of making requests or complaints to the director of the institution or the officer authorized to represent him.
- (2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.
- (3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper

form, to the central prison administration, the judicial authority or other proper authorities, through approved channels.

(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly acted upon and an early reply made to the prisoner concerned.

### Rule 31 (IPPC)

*Regional drafts:* EUR: 48—LA: 46—ME: 33—AFE: 48.

*Observations:* In the title preceding rules 31 to 33 the Latin American group replaced the word "Contact" by "Relations". It appears preferable, however, to retain the original text to mark the difference between the rules under this heading and draft rules 64 *et seq.*; the latter are concerned particularly with the maintenance and improvement of family and other social relationships with a view to the convicted prisoner's rehabilitation, while rules 31 *et seq.* are concerned with the minimum contact which prisoners in all categories should be allowed to maintain with the outside world in a more neutral and general sense.

In connexion with rule 31 the Latin American group discussed the problem of sex in prisons. It considered (like the European group, see under rule 64) that there was no need for a specific reference to this question in the Standard Minimum Rules provided the rules were broad enough to allow the various countries to experiment with a view to discovering the best way of solving the problem.

Similarly, the Middle East group thought that the question of prisoners' sexual relations, important as it was, could not be dealt with in the Minimum Rules; the matter was still in an experimental stage, and in the light of Preliminary Observation 5 (Secretariat proposal No. 4) could continue on that basis if the spirit of the Standard Rules was observed.

The Latin American group, with the subsequent concurrence of the Asia and Far East group, added

the following two sentences to rule 31: "The competent authorities shall have the right to authorize visits not included in the above categories. Visits motivated by idle curiosity shall be prohibited."

These two provisions, however useful, appear to be outside the scope of the Minimum Rules: the first, because the right to authorize other visits including even visits for the purpose of sexual intercourse is in any case reserved to the competent authority under the Preliminary Observation mentioned; and the second, because the risk of visits motivated by idle curiosity is virtually negligible since in all cases visits to institutions must be authorized by the administration (while draft rule 39 is designed to protect the prisoner against a real risk of curiosity on the part of the public when he happens to be outside the institution).

Rule 31 should therefore be kept in its original form except that the words "their family", an expression used elsewhere in the text (draft rules 38, 64, 65 and in French only 76) should be used in place of the words "their relatives".

*Secretariat proposal:*

*Contact with the Outside World*

38. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

### Rule 32 (IPPC)

*Regional drafts:* EUR: 49—LA: 47—ME: 34—AFE: 49.

*Observations:* On the basis of a proposal by the Division of Human Rights, the European group amended the text to cover refugees or stateless persons, making the rule apply to them as well as to nationals of States with diplomatic or consular representation. This group introduced a further amendment under

which all these persons would be allowed "reasonable facilities" to communicate with their diplomatic or consular representatives or with the authorities in charge of their interests without the administration being bound to authorize unlimited communication as provided in the draft text.

The other regional groups accepted the text as so amended.

Some drafting changes are also required.

*Secretariat proposal:*

39. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.
- (2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

**Rule 33 (IPPC)**

*Regional drafts:* EUR: 50—LA: 48—ME: 35—AFE: 50.

*Observations:* The Middle East group approved the rule but amended it to emphasize its imperative character and, at the same time, to allow the administration a measure of control over the reading, wireless transmissions or lectures by which prisoners were to be kept informed of the more important items of news. The Latin American group also emphasized that the selection of the various means of information authorized should be reserved to the administration.

The Middle East text appears to be preferable.

*Secretariat proposal:*

40. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers,

periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

**Rule 34 (IPPC)**

*Regional drafts:* EUR: 51—LA: 49—ME: 36—AFE: 51.

*Observations:* The Asia and Far East group inserted in the text the words "as far as practicable". It would appear desirable, however, not to weaken this important provision as every effort should be made to provide prisoners in every institution with a library, however small this may be in some prisons in certain regions; particularly since draft rule 62, as amended (Secretariat proposal No. 78), emphasizes the need for general education and makes it compulsory for illiterates.

*Secretariat proposal:*

*Books*

41. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

**Rules 35 and 36 (IPPC)**

*Regional drafts:* EUR: 52 and 53—LA: 50 and 51—ME: 37 and 38—AFE: 52 and 53.

*Observations:* The European and Middle East groups amended the draft text to cover cases in which a minister of religion is not appointed but merely approved for prisoners of his religion. The expression "appointed or approved" appears preferable to the word "accredited" (proposed by the two other groups) and does not appear to run counter to the principles of the secular State.

The same two groups also widened the scope of rule 35, third paragraph, by the substitution of the words "minister of any religion" for the words

"qualified representative of his religion" so as to cover the case of a prisoner who may wish to practise a religion other than that to which he belongs or, if he has no religion, to adopt one. The other regional groups accepted this amendment.

The Latin American group replaced the first paragraph by the following general formula: "In prison institutions, there shall be freedom of religious worship and every religion may be represented by a duly accredited minister."

The Asia and Far East group proposed that this paragraph should read as follows: "There shall be a complete personal religious freedom for every prisoner."

In considering these two proposals it should be borne in mind that:

a. freedom of *religion* is guaranteed to each *individual* prisoner under the third paragraph and is proclaimed in general terms in the Basic Principle stated of the rules at the beginning (see Secretariat proposal No. 7);

b. the first paragraph, as originally worded, in effect guarantees freedom of *worship* for every reasonably large *group* of prisoners of the same religion and thus, being more specific than the amendments, appears preferable;

c. practical difficulties may prevent the holding of services within the institution for every group of only a few prisoners (in this connexion see rule 36, the substance of which was approved by all groups).

The Asia and Far East group added a new paragraph to rule 35 providing that "if any prisoner should object to the visit of any minister, his attitude shall be fully respected"; this provision should be incorporated in the third paragraph.

In rule 36 the same group deleted the too restrictive clauses to bring the text into harmony with the new wording of rule 35.

#### *Secretariat proposals:*

##### *Religion*

42. (1) If the institution contains a sufficient number of prisoners of the same religion, a regular spiritual minister shall be appointed or approved for them. When the number of prisoners justifies it, a full-time minister shall be appointed or approved.
- (2) A minister appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.
- (3) Access to a minister of any religion shall not be refused to any prisoner. On the contrary, if any prisoner should object to the visit of any minister, his attitude shall be fully respected.
43. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his religious denomination.

#### **Rule 37 (IPPC)**

*Regional drafts:* EUR: 54—LA: 52—ME: 39—AFE: 54.

*Observations:* Some minor drafting changes have been made: the word "money" has been inserted twice in the second paragraph, and at the end of the fourth paragraph the words "what use he may make of them" have been replaced by "what use shall be made of them".

#### *Secretariat proposal:*

##### *Retention of Prisoners' Property*

44. (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.

(2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

(4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

### Rule 38 (IPPC)

*Regional drafts:* EUR: 55—LA: 53—ME: 40—AFE: 55.

*Observations:* The Asia and Far East group inserted the word "transfer" in the title.

In the first two paragraphs the Latin American group replaced the words "nearest relative" and "near relative" by "closest intimate" and "close intimate" respectively, and introduced the expression "closest intimate" into the third paragraph. The Asia and Far East group made a similar amendment to the second paragraph.

In this connexion it should be emphasized that it is open to countries or regions which consider it necessary to do so, in the cases covered by the rule, to extend the provision to persons other than legal relatives, but it does not seem desirable to do so in international Minimum Rules as it would be very difficult to draw a dividing-line between concubinage which is more or less sanctioned by common law in certain regions and all other extra-marital relationships.

In the third paragraph the Latin American group placed initial imprisonment on the same basis as transfer to another institution, which is perfectly justified.

The second sentence of the second paragraph was accepted by the regional groups, but it must be

borne in mind that this is a purely optional provision and thus extraneous to the Minimum Rules.

The substance of an amendment which had been proposed to this sentence should accordingly be retained, and the sentence should be altered to a recommendation, qualified by the reservations necessary in practice and covering only the dangerous illness, not the death, of a near relative.

*Secretariat proposal:*

*Notification of Death, Illness, Transfer, etc.*

45. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of dangerous illness of a near relative of a prisoner, he should be authorized, whenever circumstances allow it, to go to his bedside either under escort or alone.

(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

### Rule 39 (IPPC)

*Regional drafts:* EUR: 56—LA: 54—ME: 41—AFE: 56.

*Observations:* The regional groups supplemented this rule by a new paragraph prohibiting the transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to a physical ordeal.

The Middle East group also added to this rule a third paragraph designed to preclude the preferential treatment which could be obtained in the region by prisoners able to afford it. Such a provision appears equally justified for other regions.

*Secretariat proposal:*

*Removal of Prisoners*

46. (1) When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.
- (2) The transport of prisoners in conveyances with inadequate ventilation or light or in any way which would subject them to a physical ordeal, shall be prohibited.
- (3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

**Rules 40 to 47 (IPPC)**

*Regional drafts:* EUR: 57 to 65—LA: 55 to 63—ME: 81 to 90—AFE: 57 to 65.

*Observations:* With regard to the section "Institutional Personnel" (rules 40 to 47) as a whole, the Middle East group considered it would be more appropriate to place these rules in a separate Part III, concerned only with personnel, which would also include the provisions for the inspection of institutions (see below, after rule 47). The working group set up by the Middle East group to consider the Draft Standard Minimum Rules suggested that Part III might even be removed from the Standard Rules and appended to them as a separate annex. It wished this suggestion to be submitted to the United Nations Congress.

Although this suggestion has the merit of emphasizing the importance of the role played by institutional personnel in the administration of institutions and the application of penalties, it might remove the provisions in question too far from the Rules of General Application forming Part I of the Draft, and it therefore seems preferable to keep them, under the headings "Institutional Personnel" and "Inspection", as an integral and highly essential part of the Rules of General Application.

**Rule 40 (IPPC)**

*Regional drafts:* EUR: 57—LA: 55—ME: 81—AFE: 57.

*Observations:* The Middle East group added the adjective "professional" before "capacity" in the first paragraph of rule 40, and amended the third paragraph to provide that such personnel should have the status of civil servants.

As recommendations that such personnel should have the status of civil servants were formulated by all the different regional groups when they discussed their agenda item on the recruitment and training of the staff of penal and correctional institutions, there is justification for including such a condition in the Minimum Rules.

The Asia and Far East group made an addition to the third paragraph underlining the importance of institutional service as a professional career.

A few other changes of less importance were also made to the text (deletion of the word "central").

*Secretariat proposal:*

*Institutional Personnel*

47. (1) The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.
- (2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.
- (3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency, and physical fitness. Their salaries shall be adequate to attract and retain suitable men and women, and their conditions of service shall be favourable in view of the exacting nature of the work.

#### Rule 41 (IPPC)

*Regional drafts:* EUR: 58—LA: 56—ME: 82—AFE: 58.

*Observations:* The Middle East group added a preliminary paragraph to this rule stipulating that the personnel should have a sufficient degree of intelligence, and divided the text into three paragraphs, making it more complete. It is considered that this form should be adopted.

#### *Secretariat proposal:*

48. (1) The personnel shall possess an adequate standard of education and intelligence.  
(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.  
(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized periodically.

#### Rule 42 (IPPC)

*Regional drafts:* EUR: 59—LA: 57—ME: 83—AFE: 59.

*Observations:* The Asia and Far East group added a sentence to rule 42 prohibiting the use of abusive or indecent language to prisoners.

The Middle East group, recognizing the need for specialists, decided that rule 42 should be followed by a new rule listing the specialists who should be included in the personnel and specifying those who should be employed on a permanent basis.

In view of the essential role played by various specialists such as psychiatrists, psychologists, social workers etc., in modern institutional treatment such a rule should certainly be added.

On the other hand, the group did not consider it necessary to make a specific reference to "educators", as suggested in a proposal submitted to the regional groups, because the title and functions of

this class of personnel are not interpreted in the same way in every country. It felt that all the personnel should contribute to the re-educating process, and that there might be some uncertainty in that regard if a special body of educators were specifically mentioned in the text. The European group also rejected this proposal.

#### *Secretariat proposals:*

49. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their examples and to command their respect. Abusive or indecent language shall not be used to prisoners.  
50. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.  
(2) The social workers, teachers and trade instructors shall be employed on a permanent basis.

#### Rule 43 (IPPC)

*Regional drafts:* EUR: 60—LA: 58—ME: 85—AFE: 60.

*Observations:* The Latin American group made the text more explicit and a few other changes should be introduced, such as the deletion of the word "small" in the last paragraph.

A change of substance, consisting in the substitution of the words "adequately qualified" for "fully qualified" in the first paragraph, was introduced by the Latin American group and approved by the Asia and Far East group. This amendment seems acceptable in view of the difficulties encountered by many countries in recruiting directors possessing all the desired qualifications under the conditions offered by prison administrations.

In view of the fact that in some countries of the region it has become a practice to appoint a doctor as director of the local prison on a part-time basis only, the Asia and Far East group emphasized

in the second paragraph both the formal and substantive aspects implied by a full-time appointment.

*Secretariat proposal:*

51. (1) The director of an institution shall be adequately qualified for his task by character, administrative ability, technical and scientific training, and experience in this field.
- (2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.
- (3) He shall as a rule reside on the premises of the institution or, in the absence of accommodation within the institution, in its immediate vicinity.
- (4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.

**Rule 44 (IPPC)**

*Regional drafts:* EUR: 61—LA: 59—ME: 86—AFE: 61.

*Observations:* As this rule may be of substantial importance in countries where the people speak different languages, the European group considered that, besides the director and his deputy, "the majority" of the other personnel should speak the language of the majority of the prisoners. The Middle East group accepted this formula, while the Asia and Far East group stipulated that, as far as possible, the personnel should speak "a language understood by" the majority of the prisoners, a formula which may be more suitable for certain regions.

*Secretariat proposal:*

52. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the majority of the prisoners, or a language understood by the majority of them.
- (2) Whenever necessary, the services of an interpreter shall be used.

**Rule 45 (IPPC)**

*Regional drafts:* EUR: 62—LA: 60—ME: 87—AFE: 62.

*Observations:* The Latin American group altered the text to require that, if one or more full-time medical officers are attached to an institution, one at least of them should "at all times be present" on the premises of the institution. However, this requirement cannot be fulfilled if the institution has only one medical officer (which will usually be the case). It therefore seems preferable to keep the original text, which provides that one at least of the medical officers shall reside on the premises of the institution or in its immediate vicinity.

In the case of institutions with a part-time medical officer only, this group dropped the requirement that he should reside near enough to be able to attend without delay in cases of urgency. Here again, it seems advisable to maintain the original text, for this condition is all the more necessary when only part of the medical officer's time is devoted to the institution.

*Secretariat proposal:*

53. (1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.
- (2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

**Rule 46 (IPPC)**

*Regional drafts:* EUR: 63—LA: 61—ME: 88—AFE: 63.

*Observations:* The Latin American, Middle East, and Asia and Far East groups deleted the words "to avoid the possibility of malicious allegations" from the second paragraph. The provision that male members of the staff shall be accompanied by a woman



officer is perfectly justified and no reason need be stated.

The Latin American group made this provision even more categorical by deleting the words "it is desirable".

In the third paragraph, the Latin American group specifically mentioned outdoor guards, but this exception is understood.

*Secretariat proposal:*

54. (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.
- (2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.
- (3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.

**Rule 47 (IPPC)**

*Regional drafts:* EUR: 64 and 65—LA: 62 and 63—ME: 89 and 90—AFE: 64 and 65.

*Observations:* This rule includes "persistent insubordination" among the cases in which an officer of the institution could use force in his relations with the prisoners. The Division of Human Rights has suggested that these words should be deleted. It is true that they are not specific enough to prevent possible abuse.

The European group therefore proposed a formula that would enable the prison staff not to remain powerless in cases other than those of self-defence or attempted escape, by adding the case of "active or passive physical resistance to a lawful order".

The Latin American, Middle East and Asia and Far East groups approved this amendment. The Middle East group drafted a more explicit text, divided into three paragraphs, which includes parts of the resolution relating to institutional personnel adopted by the European group (conference held in December 1952).

The revised text, with a few drafting changes, fits well into the Standard Minimum Rules.

The Asia and Far East group added a provision that such an incident must be immediately reported to the director.

The regional groups also approved the insertion, at the end of the section on personnel, of a new rule entitled "Inspection", recommending regular inspection of penal institutions by inspectors appointed by a competent authority. The Middle East group's draft of this proposal seems to be best; it will be completed by the Asia and Far East group's proposals that the inspectors should be "qualified and experienced" and that the inspection should be carried out "with a view to bringing about the objectives of correctional services."

*Secretariat proposals:*

55. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.
- (2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.
- (3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. It is also recommended that staff should in no circumstances be provided with arms unless they have been trained in their use.

### Inspection

56. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of correctional services.

### Part II

*Observations:* As was stated in connexion with Preliminary Observation 2, the General Principles of the draft will be transferred to Part II, at the beginning of section A, under the more correct heading of "Guiding Principles". They will be preceded by the statement contained in Preliminary Observation 2, except for the part that has been combined with Preliminary Observation 1.

### *Secretariat proposal:*

#### Part II: Rules Applicable to Special Categories

##### A. PRISONERS UNDER SENTENCE

### *Guiding Principles*

57. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation 1 of the present text.

#### General Principle 1 (IPPC)

*Regional drafts:* EUR: 8—LA: 8—ME: 42 and 43—AFE: 8.

*Observations:* After some discussion, the European group adopted the text in its original form, as did the Asia and Far East group.

The Latin American group made the following changes (alterations and additions in italics):

"The purpose and justification of *the punishment depriving the offender of his liberty* [replacing:

'of a sentence of imprisonment'] is to protect society against delinquency. The punishment inherent in the sentence is primarily the deprivation of liberty with the inevitable consequences of compulsory confinement and segregation from normal society. The purpose of *the punishment depriving the offender of his liberty* [replacing: 'the prison in carrying out that punishment'] should be to ensure, *by means of his social readaptation*, [replacing: 'so far as possible'] that *on his return* [original text: 'its intention is fulfilled by the return of the offender'] to society *he is* not only willing but able, *without compulsion*, to lead a normal well-adjusted and self-supporting life as a good member of society."

The Middle East group endorsed the view of its working group that the wording of General Principle 1 might lead to confusion between the purpose and justification of punishment, on the one hand, and the purpose of imprisonment, on the other. It was thought that primary emphasis should be given to the fact that the afflictive character of imprisonment, that is, the hardship which it imposed on the prisoner, should consist solely in the deprivation of liberty. A statement would follow that, whereas the ultimate purpose and justification of imprisonment was to protect society against crime, that purpose would only be attained if the period of imprisonment was utilized to bring about the rehabilitation of the offender. These two ideas were embodied in the following two texts, which were both adopted by the Middle East group:

First text: "Punishment and other measures which result in cutting off a person from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty.

"The prison regime shall in no way aggravate the physical and moral sufferings inherent in such a situation."

Second text: "As the ultimate purpose and justification of a sentence of imprisonment or a similar

measure deprivative of liberty is to protect society against crime, this end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a normal self-supporting life by honest means and to be of service to his fellow-men."

With a few drafting changes, this text is considered acceptable. The text is more complete, as well as clearer and more explicit than the original in its attempt to state the essential points with regard to the purpose and justification of punishment and the fundamental obligations incumbent on the prison authorities as a result of the deprivation of liberty inflicted upon the offender for punishment.

*Secretariat proposals:*

58. (1) Punishment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty.  
(2) The prison regime shall in no way aggravate the suffering inherent in such a situation.
59. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

**General Principle 2 (IPPC)**

*Regional drafts:* EUR: 9—LA: 9—ME: 44—AFE: 9.

*Observations:* The Latin American group added ". . . and other forces and forms of assistance, which. . ." in order to indicate that the enumeration of the means of which the institution should avail itself was not exhaustive and that it should also comprise assistance.

*Secretariat proposal:*

60. To this end, the institution should utilize all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.

**General Principle 3 (IPPC)**

*Regional drafts:* EUR: 10—LA: 10—ME: 45—AFE: 10.

*Observations:* An amendment was proposed to make clear that the second paragraph, on a pre-release regime, applied only where the sentence was of some length and not to those of short duration. The European group, though aware that there are cases which do not require transitional treatment, considered that the length of the sentence was by no means the only decisive factor, and it adopted the text in its original form.

Similarly, the Middle East group was reluctant to introduce into the text the limitation embodied in this proposal. Although it recognized that it would be an illusion to hope to achieve the rehabilitation of a person serving a short sentence only, this group considered that comparatively satisfactory results could even then be obtained by organizing from the start of the imprisonment a pre-release regime in the institution itself. It also felt that it would be unwise to introduce into the Minimum Rules a provision which seemed to absolve the competent authorities in advance from the obligation to make every effort to give short-term prisoners a rehabilitative kind of treatment.

Both the Middle East and the Latin American groups showed some anxiety with regard to the words "effective supervision" at the end of the text, as they might all too easily be construed to mean police supervision, which still exists in certain countries. The Latin American group amended the text specifically to exclude police supervision, and the Middle East group adopted a clause underlining the

role of social aid, i.e.: "under supervision and with effective social aid".

These considerations should be taken into account, as also some drafting changes introduced by the Latin American and the Asia and Far East groups, e.g., the deletion of the words "inside its walls", in view of the development of open institutions.

*Secretariat proposal:*

61. (1) The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.
- (2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police and which should be combined with effective social aid.

**General Principle 4 (IPPC)**

*Regional drafts:* EUR: 11—LA: 11—ME: 46—AFE: 11.

*Observations:* In accordance with a proposal by the International Labour Organization, the European and Middle East groups replaced the expression "social insurances" by "social security rights". The Latin American group retained the original text.

In addition the expression "civil rights" was considered too broad by both the European and Middle East groups, because certain rights cannot be exercised during imprisonment, and because the expression may be construed as applying to political rights also.

The Asia and Far East group introduced a modified formula: "to the maximum extent compatible with the law and the sentence", because the

laws of some countries expressly stipulate the loss of civil rights for some classes of prisoners.

The proposed formulas should be taken into account and some drafting changes made.

*Secretariat proposal:*

62. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connexion with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

**General Principle 5 (IPPC)**

*Regional drafts:* EUR: 12—LA: 12—ME: 47—AFE: 12.

*Observations:* The first sentence of the text must be completed by the second half of draft rule 51, which deals with the same question.

The second sentence establishes the important principle that the medical services should include a psychiatric service, which is repeated in draft rule 68; it has its appropriate place in Part I, rule 18, where the prison medical services are described.

The second and third sentences duplicate parts of draft rules 67 and 68, concerning mentally abnormal prisoners, and should be combined with them.

With regard to the remainder of General Principle 5 and rule 51, note should be taken of an amendment proposed by the World Health Organization, to the effect that physical and mental "illnesses" should be mentioned as well as "defects" and that efforts should be made to "detect" and — according to an amendment by the Middle East group — to "treat" them.

*Secretariat proposal:*

63. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

**General Principle 6 (IPPC)**

*Regional drafts:* EUR: 13—LA: 13—ME: 48—AFE: 13.

*Observations:* A suggestion to reduce to 250 the maximum number of prisoners in closed institutions was rejected.

Apart from a few slight drafting changes, the text is that of the original.

*Secretariat proposal:*

64. (1) The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.
- (2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.
- (3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.
- (4) By contrast, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

**General Principle 7 (IPPC)**

*Regional drafts:* EUR: 14—LA: 14—ME: 49—AFE: 14.

*Observations:* The text of this rule, in a somewhat altered form, has been combined with Preliminary Observation 7 (see Secretariat proposal No. 6).

**General Principle 8 (IPPC)**

*Regional drafts:* EUR: 15—LA: 15—ME: 50—AFE: 15.

*Observations:* Various versions of this text were proposed. The European group inverted the order of the two sentences of the original text and produced the following draft:

"The responsibility of society does not cease with the liberation of a prisoner. There should, therefore, be a humane, efficient and well-organized system of after-care directed towards the re-establishment of prisoners as good citizens."

The Asia and Far East group added the words: "... and the lessening of prejudice against them. . .", thus expressing the hope that after-care programmes would be directed also to the community receiving the released offender.

The Latin American group replaced the word "responsibility" by "duty" and deleted the word "humane" as superfluous.

The Middle East group preferred the European group's text to the original, but considered that greater stress should be placed on the need for governmental or private agencies capable of aiding the released prisoner.

*Secretariat proposal:*

65. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

### Rules 48 to 50 (IPPC)

*Regional drafts:* EUR: 66, 38, 67—LA: 64, 37, 65—ME: 51, 23, 52—AFE: 66, 38, 67.

*Observations:* In view of the fact that the General Principles now appear as "Guiding Principles" at the beginning of the present section, on prisoners under sentence, rules 48 to 50 which (with rule 51) came under another heading "General Principles" in the draft should be given the more appropriate heading of "Treatment".

Rule 49 covering all categories of prisoners has been transferred to the beginning of the section "Discipline and Punishment", Part I.

Rules 48 and 50 must be arranged in a more logical order so that the first paragraph of rule 48 together with rule 50 will form the first of the two rules, defining the purpose and general nature of the treatment of prisoners under sentence, and the other paragraphs of rule 48 will form the second rule, describing the methods of treatment by which the purposes defined can be attained.

With regard to various questions of detail (apart from a few drafting changes), an amendment proposed by the International Labour Organization and adopted by the four regional groups calls for the inclusion of a reference to "vocational guidance" and "employment counselling" in the second paragraph of rule 48 of the draft.

The four groups also endorsed a proposal that a personality file should be mentioned in the rules, and they added a new paragraph to draft rule 48. The Middle East group's draft of this text, which seems to be the most satisfactory, will form the third paragraph of the second of the two rules under consideration.

*Secretariat proposals:*

#### *Treatment*

66. The treatment of persons sentenced to imprisonment shall have as its purpose, so far as the length of the sentence

permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

67. (1) To these ends, all appropriate means shall be used, including education, vocational guidance, vocational training, employment counselling, physical developing and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

(2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph, and such reports shall always include reports by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

(3) The reports and other relevant documents shall be placed in a personal file to be known as "personality file". These files shall be kept up to date and classified in such a way that they can be consulted by the responsible personnel whenever the need arises.

### Rule 51 (IPPC)

*Regional drafts:* EUR: 68—LA: 66—ME: 53—AFE: 68.

*Observations:* This rule has been combined with the former general Principle 5, the first sentence of which expresses exactly the same idea as rule 51 (see Secretariat proposal No. 63).

### Rule 52 (IPPC)

*Regional drafts:* EUR: 69—LA: 67—ME: 54—AFE: 69.

*Observations:* A few drafting changes were proposed, but in view of the terminology used elsewhere in the text they cannot all be accepted. The English word "training" has been replaced by "treatment" to bring it into line with the broader meaning of the French word *traitement*.

The Asia and Far East group added a reference to "social rehabilitation" in paragraph (b).

*Secretariat proposal:*

*Classification*

68. The purposes of classification shall be
- (a) to separate from others those prisoners who, by reason of their criminal records or bad characters, are likely to exercise a bad influence;
  - (b) to divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

**Rule 53 (IPPC)**

*Regional drafts:* EUR: 70—LA: 68—ME: 55—AFE: 70.

*Observations:* The Asia and Far East group made the same addition to this rule as to the preceding rule, but the addition appears to add nothing in this case.

*Secretariat proposal:*

69. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

**Rule 54 (IPPC)**

*Regional drafts:* EUR: 71—LA: 69—ME: 56—AFE: 71.

*Observations:* The Asia and Far East group deleted the title "Individualization" but it is considered that it should be retained in order to bring out the underlying aims of this provision, which are not fully covered by the term "Classification".

A few drafting changes have been made in the text and the word "careful" has been deleted because these are minimum rules and existing facilities vary greatly.

*Secretariat proposal:*

*Individualization*

70. As soon as possible after admission and after a study of the personality of a prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

**Rule 55 (IPPC)**

*Regional drafts:* EUR: 72—LA: 70—ME: 57—AFE: 72.

*Observations:* Apart from a few slight drafting changes the text is unaltered.

*Secretariat proposal:*

*Privileges*

71. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.

**Rule 56 (IPPC)**

*Regional drafts:* EUR: 73—LA: 71—ME: 58—AFE: 73.

*Observations:* The Middle East group felt that the principle that work in a penal institution is not intended to cause the prisoner hardship should be stated at the beginning of this set of rules.

The group also added the words "and mental" after the word "physical" [fitness].

The two amendments should be accepted, the important principle in question being stated in a separate paragraph.

*Secretariat proposal:*

*Work*

72. (1) Prison labour must not be afflictive.

(2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.

(3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

(4) So far as possible, the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release.

(5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

#### Rule 57 (IPPC)

*Regional drafts:* EUR: 74—LA: 72—ME: 59—AFE: 74.

*Observations:* Apart from a few minor drafting changes the text is unaltered.

*Secretariat proposal:*

73. (1) The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

(2) The interests of the prisoners and of their vocational training, however, shall not be subordinated to the purpose of making a financial profit from an industry in the institution.

#### Rule 58 (IPPC)

*Regional drafts:* EUR: 75—LA: 73—ME: 60—AFE: 75.

*Observations:* A proposal that the employment of prisoners by private persons should be prohibited was rejected by the European group which wished to retain the principle that it may be useful in many cases to

have recourse to private employers and to allow prisoners to carry on their trade outside the prison, a practice which may facilitate the prisoners' social rehabilitation. The Middle East group took the same view.

In this connexion, attention should be drawn to a provision of the International Convention concerning Forced or Compulsory Labour adopted by the International Labour Conference on 28 June 1930 and modified by the Final Articles Revision Convention of 1946. Article 2, paragraph 2 (c) provides that, for the purposes of the Convention, the term 'forced or compulsory labour' shall not include "... any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations."

It would appear desirable that this text should be clarified as soon as possible to state specifically that the provisions of the Convention should in no case apply to work performed by a prisoner for a private employer, under a system of semi-freedom designed to facilitate his social rehabilitation.

Several drafting changes are necessary in rule 58 (for example the words "unless the work is for other departments of the government" which appeared only in the English text have been added to the French text).

*Secretariat proposal:*

74. (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.

(2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work



is for other departments of the Government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

#### Rule 59 (IPPC)

*Regional drafts:* EUR: 76—LA: 74—ME: 61—AFE: 76.

*Observations:* The International Labour Organization suggested that the words "industrial accident or disease" in paragraph 2 of the English text should be replaced by the words "employment injury, including occupational disease". However, prisoners are not engaged in "employment" and the term "industrial injury" seems preferable in this context.

The Latin American group proposed that the second paragraph should be amended to read: "Every effort shall be made to enable prisoners to participate in whatever social insurance scheme is in force in the particular country". This provision, however, goes beyond the scope of the rule under consideration and a general provision safeguarding the prisoner's social security rights is already included in the text (see Secretariat proposal No. 62).

The original text should be maintained with slight drafting changes.

*Secretariat proposal:*

75. (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.
- (2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.

#### Rule 60 (IPPC)

*Regional drafts:* EUR: 77—LA: 75—ME: 62—AFE: 77.

*Observations:* A proposal that the working day in prisons should be explicitly limited to eight hours was not

accepted by the European group because of the impossibility of fixing the number of working hours precisely and the fact that the text implicitly satisfied the purpose of the proposal by providing that the maximum hours of work should not be fixed arbitrarily but in the manner laid down.

The Middle East group proposed that the words "on the basis of local rules or custom in regard to the employment of free workmen" should be added to paragraph 1 to prevent abuses in the employment of prisoners. The amendment would seem to be appropriate.

Several slight drafting changes have also been made.

*Secretariat proposal:*

76. (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.
- (2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.

#### Rule 61 (IPPC)

*Regional drafts:* EUR: 78—LA: 76—ME: 63—AFE: 78.

*Observations:* Paragraph 1 should simply state the principle that there should be a system of remuneration and that, in the terms of the Middle East group's amendment, it should be "adequate", without specifying the reason or reasons underlying the provision.

The Latin American group added the following sentence: "It shall in no case be permissible for the prisoner to waive such remuneration, nor shall such remuneration be affected by any disciplinary measure." The first of these points seems to go beyond the scope of the Minimum Rules while the second is considered unacceptable because it conflicts with rule 25 (Secretariat proposal No. 32) which states

which punishments are prohibited. Since deprivation of pay is not a "cruel, inhuman or degrading punishment", its use as a disciplinary measure by prison authorities cannot be explicitly prohibited by the Minimum Rules.

A proposal that at least one-third of the prisoner's wages should be held in a savings deposit to be handed to him on his release was rejected by the European group as being too rigid.

However, the other three regional groups approved the idea of a savings fund. The Latin American group expressed it as follows: "A savings fund shall also be set up, into which the prisoner shall pay a part of his earnings, which shall be handed over to him when he leaves the institution." The Asia and Far East group supported this text. The Middle East group chose the following wording: "If this is possible after the deduction of a reasonable sum to defray the cost of the prisoner's upkeep, a part of the remuneration will be set aside by the administration so as to constitute a savings fund to be handed over to him at the time of his release."

There are two arguments against this proposal. Firstly, a purely optional provision is out of place in a set of minimum rules. Secondly, the deduction of a sum to defray the cost of a prisoner's upkeep would be appropriate only if the remuneration were approximately the same as normal wages paid outside. However, the text contains no such rule and a proposal to that effect was expressly rejected by the Latin American group. In fact, it does not seem possible to include a general provision of this type in the rules because of the diversity of existing systems.

The principle of a savings fund should, however, be included in the form of a recommendation in a new paragraph.

A few drafting changes are also considered necessary.

*Secretariat proposal:*

77. (1) There shall be a system of adequate remuneration of the work of prisoners.

(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.

(3) The system should also provide that a part of the earnings should be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

**Rule 62 (IPPC)**

*Regional drafts:* EUR: 79—LA: 77—ME: 64—AFE: 79.

*Observations:* The Latin American, Middle East and Asia and Far East groups all amended the text to provide that the education of illiterates and young prisoners should be compulsory.

The Asia and Far East group added a new paragraph stipulating that, so far as practicable, the education of prisoners should be integrated with the educational system of the country so that after release prisoners might continue without difficulty the education received in the institution.

*Secretariat proposal:*

*Education and Recreation*

78. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.

(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

### Rule 63 (IPPC)

*Regional drafts:* EUR: 80—LA: 78—ME: 65—AFE: 80.

*Observations:* The wording has been improved.

#### *Secretariat proposal:*

79. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

### Rule 64 (IPPC)

*Regional drafts:* EUR: 81—LA: 79—ME: 66—AFE: 81.

*Observations:* In connexion with this rule, which deals with the maintenance and improvement of such relations between a prisoner and his family "as are desirable in the best interests of both", it was proposed to recognize the principle of conjugal visits.

The European group felt that the text of the draft was adequate and that its interpretation should be left to the various countries.

See also the observations on rule 31 which applies not only to prisoners under sentence but to all categories of prisoners.

#### *Secretariat proposal:*

#### *Social Relations and After-Care*

80. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.

### Rule 65 (IPPC)

*Regional drafts:* EUR: 82—LA: 80—ME: 67—AFE: 82.

*Observations:* No changes were made in the original text by the regional groups.

#### *Secretariat proposal:*

81. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be

encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

### Rule 66 (IPPC)

*Regional drafts:* EUR: 83—LA: 81—ME: 68—AFE: 83.

*Observations:* The International Labour Organization suggested that, in the English text, the words "for the purpose of assisting" should be replaced by the words "which assist" to make clear that the agencies in question include placement services as well as agencies whose main function is the assistance of prisoners. The European group approved this amendment with a slight consequential amendment in the French text to ensure uniformity.

The Middle East group laid considerable stress on the importance of after-care which should, it considered, replace police supervision wherever the latter was still practised. It approved the text as so amended.

The Asia and Far East group added the words "governmental or otherwise" after the word "agencies".

There are other purely drafting changes.

#### *Secretariat proposal:*

82. (1) Agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destinations and maintain themselves in the period immediately following their release.
- (2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.

(3) It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their efforts.

#### Rules 67 and 68 (IPPC)

*Regional drafts:* EUR: 84 and 85—LA: 82 and 83—ME: 69 and 70—AFE: 84 and 85.

*Observations:* Apart from a few drafting changes, the main amendment, proposed by the Latin American group and endorsed by the Asia and Far East group, provides that mentally abnormal, as well as insane, prisoners, should not be detained in prisons and that arrangements should be made for their removal to "suitable" institutions.

The original text laid down that insane prisoners should be removed to mental hospitals and that prisoners suffering from other mental diseases or abnormalities should be treated in "special" institutions. The Middle East group replaced the word "special" by the word "specialized", which is more exact, and at the end of paragraph 3 the words "medical officer" by the word "psychiatrist", which seems to go too far.

The provision is concerned with a very large category of prisoners who cannot be classed as insane but who suffer from a wide range of more or less serious mental abnormalities and amongst whom there are many borderline cases (psychopaths, etc.). Many must be treated in specialized institutions. In order to decide whether these specialized institutions should be part of the prison system or not, various factors must be considered and it is impossible at the present stage to say which solution is preferable. On the other hand, prisoners who are insane in the strict sense of the word must obviously be detained in non-penal mental institutions. This difference between the two categories should therefore be taken into account as in the text of the draft. In other words, this being a matter a-

bout which specialist opinion is divided and in which many practical considerations (number of mentally abnormal prisoners in each group requiring special treatment, differing degrees of security etc.) are involved, the authorities should be left free to organize specialized institutions either as part of the prison system or outside it.

One of the recommendations embodied in General Principle 5 of the original draft, namely, that institutions for the observation and treatment of the mentally abnormal should be under medical management, should be added to the text.

Assuming that the mentally abnormal should not be treated in prisons, the Latin American group amended rule 68 by adding the words "whenever possible" to the requirement that prisons should provide a psychiatric service. The group considered that it was too much to require that psychiatric services should be provided as a general rule.

The question whether the necessary specialized institutions should be provided inside or outside the prison system should therefore be left in abeyance. Moreover, the text of the draft does not state that each institution must have a psychiatric service. Indeed, such a service might well be used by several institutions simultaneously (see Observations on rule 18 of the draft and Secretariat proposal No. 23).

There was some objection to the expression "which might be relieved by psychiatric treatment". The criterion is not very precise and it is considered preferable not to use it. The substance of rule 68 should be incorporated in the preceding rule so as to cover cases not covered by paragraphs 1 and 2 of that rule.

On the other hand, the recommendation, formerly embodied in General Principle 5, that steps be taken to ensure, if necessary, the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care, should form a separate paragraph.

*Secretariat proposal:*

## B. INSANE AND MENTALLY ABNORMAL PRISONERS

83. (1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.  
(2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.  
(3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.  
(4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.
84. It is desirable that steps should be taken, by arrangement with appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

### Rule 69 (IPPC)

*Regional drafts:* EUR: 86—LA: 84—ME: 71—AFE: 86.

*Observations:* Although the rules relating to untried prisoners deal only with treatment during detention and not with the other aspects of arrest and detention before and pending trial, the Middle East group desired to recall the principles which must always be borne in mind in establishing rules for untried prisoners and felt that those principles should also be observed in case of doubt.

The essential principles underlying the treatment of untried prisoners might well be restated in a form which combines the proposals of the Middle East group with those of the Asia and Far East group. However, the provisions in the original text concerning the place of detention should also be inserted.

*Secretariat proposal:*

## C. PRISONERS UNDER ARREST OR AWAITING TRIAL

85. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, are called "untried prisoners" hereinafter in these rules.  
(2) Untried prisoners are presumed to be innocent and shall be treated as such.  
(3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.

### Rule 70 (IPPC)

*Regional drafts:* EUR: 87—LA: 85—ME: 72—AFE: 87.

*Observations:* No changes were made in the original text by the regional groups.

*Secretariat proposal:*

86. (1) Untried prisoners shall be segregated from convicted prisoners.  
(2) Young untried prisoners shall be segregated from adults and shall in principle be detained in separate institutions.

### Rule 71 (IPPC)

*Regional drafts:* EUR: 88—LA: 86—ME: 73—AFE: 88.

*Observations:* The Asia and Far East group added the words "as far as possible". However, as in the case of certain other rules, which some administrations cannot as yet observe owing to lack of the necessary facilities, the principle behind this rule, i.e. single accommodation for untried prisoners, should be clearly stated. This is very important in the case of most regions but a proviso should be added to allow for differences in local custom, due mainly to hot climates.

The Middle East group added to the provision relating to the single accommodation of untried prisoners another provision concerning their food, which it considered had been wrongly omitted from the draft.

As privileges are granted to untried prisoners in the following rules with regard to clothing, means of occupation, and medical care, a provision on food should in fact be included. It is, however, considered that a reservation designed to prevent abuses should be inserted in the text proposed by the Middle East group.

This addition should be contained in a separate rule as the question of food is unrelated to that of accommodation.

*Secretariat proposal:*

87. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.
88. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, procure their food at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.

**Rule 72 (IPPC)**

*Regional drafts:* EUR: 89—LA: 87—ME: 74—AFE: 89.

*Observations:* Paragraph 2 has been changed slightly, partly to take into account an amendment by the Asia and Far East group.

*Secretariat proposal:*

89. (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.
- (2) If he wears prison dress it shall be different from that supplied to convicted prisoners.

**Rule 73 (IPPC)**

*Regional drafts:* EUR: 90—LA: 88—ME: 75—AFE: 90.

*Observations:* The word "always" has been added in order to make the idea underlying the rule clearer.

*Secretariat proposal:*

90. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

**Rule 74 (IPPC)**

*Regional drafts:* EUR: 91—LA: 89—ME: 76—AFE: 91.

*Observations:* In accordance with a proposal by the Division of Human Rights the phrase "interests of justice" was replaced by the phrase "interests of the administration of justice". This also applies to rule 76 of the draft.

The Latin American group replaced the word "friends", which seemed too restrictive, by the words "a third party".

*Secretariat proposal:*

91. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

**Rule 75 (IPPC)**

*Regional drafts:* EUR: 92—LA: 90—ME: 77—AFE: 92.

*Observations:* The Division of Human Rights thought that the onus of proving reasonable grounds for treatment by his own doctor or dentist should not rest with the untried prisoner. The European group did not accept this view, believing that the original text provided all reasonable facilities. The other groups also approved this text.

*Secretariat proposal:*

92. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.

**Rule 76 (IPPC)**

*Regional drafts:* EUR: 93—LA: 91—ME: 78—AFE: 93.

*Observations:* The Latin American group deleted the words "by letter" since other means of communication (telegrams) should not be excluded.

The text should state the right of every detained person to inform his family of his detention [see Secretariat proposal No. 45 (3)] as this right is particularly important in the case of untried prisoners.

*Secretariat proposal:*

93. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

**Rule 77 (IPPC)**

*Regional drafts:* EUR: 94—LA: 92—ME: 79—AFE: 94.

*Observations:* The European group added a provision that the administration should allow an untried prisoner to apply for any legal assistance to which he may be entitled (unless such assistance is not provided for or is not applicable in his particular case). The other regional groups supported this amendment.

*Secretariat proposal:*

94. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

**Rule 78 (IPPC)**

*Regional drafts:* EUR: 95—LA: 93—ME: 80—AFE: 95.

*Observations:* The European group did not accept a proposal to delete the second sentence on the grounds that the treatment of civil prisoners is covered by provisions which are completely different from those applicable to untried prisoners.

The Middle East group took a different view and added to the sentence "Their treatment shall not be less favourable than that of untried prisoners" the following reservation and stipulation: ". . . except that they shall be required to work. Their remuneration shall be applied to the payment of their debt."

Against this amendment it must be said that it raises questions of substantive law that are beyond the scope of the Standard Minimum Rules. The question whether the obligation to work constitutes "less favourable" treatment or not and the question whether certain persons detained under a non-criminal process should be required to work cannot be resolved here but a reservation formulated in very general terms should be added to the text.

*Secretariat proposal:*

**D. CIVIL PRISONERS**

95. In countries where the law permits imprisonment for debt or by order of a court under any other non-criminal process,

persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

## Secretariat Draft

# STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

## Preliminary Observations

1. The following Rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.
2. In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the Rules are capable of application in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application, in the knowledge that they represent, as a whole, the minimum conditions which are accepted as suitable by the United Nations.
3. In particular, difficulties may be found in the application of the Rules in systems of penal institutions of Trust and Non-Self-Governing Territories, especially where they are sparsely populated or under-developed. It is hoped, however, that metropolitan Governments responsible for the administration of such territories will use their best endeavours to ensure that both the principles and the practice of the Rules are followed to the maximum extent compatible with the conditions and resources of these territories.
4. On the other hand, the Rules cover a field in which thought is constantly developing. They are not intended to preclude experiment and practices, provided these are in harmony with the principles and seek to further the purposes which derive from the text of the Rules as a whole. It will always be justifiable for the central prison administration to authorize departures from the Rules in this spirit.
5. (1) Part I of the Rules covers the general management of institutions and is applicable to all categories of prisoners, criminal or civil, untried or convicted, including prisoners



subject to "security measures" directed towards their rehabilitation in conformity with modern penology.

(2) Part II contains rules applicable only to the special categories dealt with in the different sections. Nevertheless, the rules under section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.

6. (1) The Rules do not seek to regulate the management of institutions set aside for young persons such as Borstal institutions or correctional schools, but in general Part I would be equally applicable in such institutions.
- (2) The category of young prisoners should include at least all young persons who come within the jurisdiction of juvenile courts. In principle young persons should not be sentenced to imprisonment. Where this is unavoidable, every precaution should be taken to separate them from other prisoners, if possible in separate institutions accommodating no more than two hundred inmates, where they should receive a treatment similar so far as is possible to that applied in training schools.

### Part I: Rules of General Application

#### *Basic Principle*

7. (1) The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- (2) On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

#### *Register*

8. (1) In every place where persons are imprisoned there shall be kept a bound registration book with numbered pages in which shall be entered in respect of each prisoner received:
- information concerning his identity;
  - the reasons for his commitment and the authority therefor;
  - the day and hour of his admission and release.

(2) No person shall be received in an institution without a valid commitment order of which the details shall have been previously entered in the register.

#### *Separation of Categories*

9. The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,
- men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;
  - untried prisoners shall be kept separate from convicted prisoners;
  - persons imprisoned for debt and other civil prisoners shall be kept separate from convicted prisoners;
  - young prisoners shall be kept separate from adults.

#### *Accommodation*

10. (1) Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.
- (2) Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, except in institutions with a system of trust.
11. (1) All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.
- (2) A floor space of 6 m<sup>2</sup> (65 square feet) per prisoner and a cubic air content of 15 m<sup>3</sup> (530 cubic feet) under normal conditions of ventilation must be considered as minimum requirements.

12. In all places where prisoners are required to live or work,
  - (a) the windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation;
  - (b) artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.
13. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.
14. The bathing and shower installations shall be adequate to enable and require every prisoner to have a bath or a shower, at a temperature suitable to the climate, as frequently as is required by general hygiene according to season and geographical region, but at least once a week in a temperate climate.
15. All parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times.

#### *Personal Hygiene*

16. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.
17. In order that prisoners may maintain a good appearance compatible with their self-respect, facilities shall be provided for the proper care of the hair and of the beard and to enable men to shave regularly.

#### *Clothing and Bedding*

18. (1) Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.
  - (2) All clothing shall be clean and kept in proper condition at all times. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.
  - (3) In exceptional circumstances, whenever a prisoner is removed outside the institution for an authorized purpose, he shall be allowed to wear his own clothing.

19. If prisoners are allowed to wear their own clothing, arrangements shall be made on their admission to the institution to ensure that it shall be clean and fit for use.
20. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

#### *Food*

21. (1) Every prisoner shall be provided by the administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.
  - (2) Every prisoner shall be able to obtain drinking water at all times.

#### *Exercise and Sport*

22. (1) Every prisoner who is not employed in out-door work shall have one hour of exercise in the open air daily if the weather permits.
  - (2) Young prisoners, and others of suitable age and physique, shall receive physical and recreational training during the period of exercise. To this end space, installations and equipment should be provided.

#### *Medical Services*

23. (1) At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organized in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.
  - (2) Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers.

- (3) The services of a qualified dental officer shall be available to every prisoner.
24. (1) In women's institutions there shall be special accommodation for the proper treatment of pregnant women, and of those after childbirth or convalescent; but wherever practicable arrangements shall be made for children to be born in a hospital outside the institution.
- (2) Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery, staffed by qualified persons, in which the infants shall be placed when they are not in the care of their mothers.
25. The medical officer shall see and examine every prisoner as soon as possible after his admission, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner for work.
26. (1) The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.
- (2) The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.
27. (1) The medical officer shall regularly inspect and advise the director upon:
- (a) the quantity, quality, preparation and service of food;
  - (b) the hygiene and cleanliness of the institution and the prisoners;
  - (c) the sanitation, heating, lighting and ventilation of the institution;
  - (d) the suitability and cleanliness of the prisoners' clothing and bedding;
  - (e) the observance of the rules concerning physical education and sports, in cases where there is no technical personnel in charge of these activities.

- (2) The director shall take into consideration the reports and advice that the medical officer submits according to rules 26 (2) and 27 and, in case he concurs with the recommendations made, shall see to it that they be followed.

#### *Discipline and Punishment*

28. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.
29. (1) No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.
- (2) This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.
30. The following shall always be determined by the law or by the regulation of the competent administrative authority:
- (a) conduct constituting a disciplinary offence;
  - (b) the types and duration of punishment which may be inflicted;
  - (c) the authority competent to impose such punishment.
31. (1) No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.
- (2) No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case.
- (3) Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.
32. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.
33. (1) Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has ex-

amed the prisoner and certified in writing that he is fit to sustain it.

(2) The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 32.

(3) The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

#### *Instruments of Restraint*

34. Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

(a) as a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;

(b) on medical grounds by direction of the medical officer;

(c) by order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

35. The patterns and manner of use of instruments of restraint shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

#### *Information to and Complaints by Prisoners*

36. (1) Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorized methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

(2) If a prisoner is illiterate, the aforesaid information shall be conveyed to him orally.

37. (1) Every prisoner shall have the opportunity each day of making requests or complaints to the director of the institution or the officer authorized to represent him.

(2) It shall be possible to make requests or complaints to the inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other inspecting officer without the director or other members of the staff being present.

(3) Every prisoner shall be allowed to make a request or complaint, without censorship as to substance but in proper form, to the central prison administration, the judicial authority or other proper authorities, through approved channels.

(4) Unless it is evidently frivolous or groundless, every request or complaint shall be promptly acted upon and an early reply made to the prisoner concerned.

#### *Contact with the Outside World*

38. Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.

39. (1) Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

(2) Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

40. Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.

### *Books*

41. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it.

### *Religion*

42. (1) If the institution contains a sufficient number of prisoners of the same religion, a regular spiritual minister shall be appointed or approved for them. When the number of prisoners justifies it, a full-time minister shall be appointed or approved.  
(2) A minister appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.  
(3) Access to a minister of any religion shall not be refused to any prisoner. On the contrary, if any prisoner should object to the visit of any minister, his attitude shall be fully respected.
43. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his religious denomination.

### *Retention of Prisoners' Property*

44. (1) All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition.  
(2) On the release of the prisoner all such articles and money shall be returned to him except in so far as he has been authorized to spend money or send any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.  
(3) Any money or effects received for a prisoner from outside shall be treated in the same way.

- (4) If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

### *Notification of Death, Illness, Transfer, etc.*

45. (1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.  
(2) A prisoner shall be informed at once of the death or serious illness of any near relative. In case of dangerous illness of a near relative of a prisoner, he should be authorized, whenever circumstances allows it, to go to his bedside either under escort or alone.  
(3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

### *Removal of Prisoners*

46. (1) When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.  
(2) The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to a physical ordeal, shall be prohibited.  
(3) The transport of prisoners shall be carried out at the expense of the administration and equal conditions shall obtain for all of them.

### *Institutional Personnel*

47. (1) The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.  
(2) The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

- (3) To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency, and physical fitness. Their salaries shall be adequate to attract and retain suitable men and women, and their conditions of service shall be favourable in view of the exacting nature of the work.
48. (1) The personnel shall possess an adequate standard of education and intelligence.  
(2) Before entering on duty, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.  
(3) After entering on duty and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organized periodically.
49. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their examples and to command their respect. Abusive or indecent language shall not be used to prisoners.
50. (1) So far as possible, the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.  
(2) The social workers, teachers and trade instructors shall be employed on a permanent basis.
51. (1) The director of an institution shall be adequately qualified for his task by character, administrative ability, technical and scientific training, and experience in this field.  
(2) He shall devote his entire time to his official duties and shall not be appointed on a part-time basis.  
(3) He shall as a rule reside on the premises of the institution or, in the absence of accommodation within the institution, in its immediate vicinity.  
(4) When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible resident official shall be in charge of each of these institutions.
51. (1) The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the lan-

guage of the majority of the prisoners, or a language understood by the majority of them.

(2) Whenever necessary, the services of an interpreter shall be used.

53. (1) In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside on the premises of the institution or in its immediate vicinity.  
(2) In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.
54. (1) In an institution for both men and women, the part of the institution set aside for women shall be under the authority of a responsible woman officer who shall have the custody of the keys of all that part of the institution.  
(2) No male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer.  
(3) Women prisoners shall be attended and supervised only by women officers. This does not, however, preclude male members of the staff, particularly doctors and teachers, from carrying out their professional duties in institutions or parts of institutions set aside for women.
55. (1) Officers of the institutions shall not, in their relations with the prisoners, use force except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.  
(2) Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.  
(3) Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. It is also recommended that staff should in no circumstances be provided with arms unless they have been trained in their use.

#### *Inspection*

56. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors ap-

pointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of correctional services.

## Part II: Rules Applicable to Special Categories

### A. PRISONERS UNDER SENTENCE

#### *Guiding Principles*

57. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation 1 of the present text.
58. (1) Punishment and other measures which result in cutting off an offender from the outside world are afflictive by the very fact of taking from the person the right of self-determination by depriving him of his liberty.  
(2) The prison regime shall in no way aggravate the suffering inherent in such a situation.
59. The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.
60. To this end, the institution should utilize all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.
61. (1) The regime of the institution should seek to minimize any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

(2) Before the completion of the sentence, it is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, depending on the case, by a pre-release regime organized in the same institution or in another appropriate institution, or by release on trial under some kind of supervision which must not be entrusted to the police and which should be combined with effective social aid.

62. The treatment of prisoners should emphasize not their exclusion from the community, but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connexion with every institution social workers charged with the duty of maintaining and improving all desirable relations of a prisoner with his family and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.
63. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.
64. (1) The fulfilment of these principles requires individualization of treatment and for this purpose a flexible system of classifying prisoners in groups; it is therefore desirable that such groups should be distributed in separate institutions suitable for the treatment of each group.  
(2) These institutions need not provide the same degree of security for every group. It is desirable to provide varying degrees of security according to the needs of different groups. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.  
(3) It is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered

that the population of such institutions should not exceed five hundred. In open institutions the population should be as small as possible.

(4) By contrast, it is undesirable to maintain prisons which are so small that proper facilities cannot be provided.

65. The duty of society does not end with a prisoner's release. There should, therefore, be governmental or private agencies capable of lending the released prisoner efficient after-care directed towards the lessening of prejudice against him and towards his social rehabilitation.

#### *Treatment*

66. The treatment of persons sentenced to imprisonment shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

67. (1) To these ends, all appropriate means shall be used, including education, vocational guidance, vocational training, employment counselling, physical developing and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

(2) For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on all the matters referred to in the foregoing paragraph, and such reports shall always include reports by a medical officer, wherever possible qualified in psychiatry, on the physical and mental condition of the prisoner.

(3) The reports and other relevant documents shall be placed in a personal file to be known as "personality file". These files shall be kept up to date and classified in such a way that they can be consulted by the responsible personnel whenever the need arises.

#### *Classification*

68. The purposes of classification shall be  
(a) to separate from others those prisoners who, by

reason of their criminal records or bad characters, are likely to exercise a bad influence;

(b) to divide the prisoners into classes in order to facilitate their treatment with a view to their social rehabilitation.

69. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different classes of prisoners.

#### *Individualization*

70. As soon as possible after admission and after a study of the personality of a prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

#### *Privileges*

71. Systems of privileges appropriate for the different classes of prisoners and the different methods of treatment shall be established at every institution, in order to encourage good conduct, develop a sense of responsibility and secure the interest and co-operation of the prisoners in their treatment.

#### *Work*

72. (1) Prison labour must not be afflictive.  
(2) All prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.  
(3) Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.  
(4) So far as possible the work provided shall be such as will maintain or increase the prisoners' ability to earn an honest living after release.  
(5) Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.  
(6) Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.



73. (1) The organization and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.  
(2) The interests of the prisoners and of their vocational training, however, shall not be subordinated to the purpose of making a financial profit from an industry in the institution.
74. (1) Preferably institutional industries and farms should be operated directly by the administration and not by private contractors.  
(2) Where prisoners are employed in work not controlled by the administration, they shall always be under the supervision of the institution's personnel. Unless the work is for other departments of the Government the full normal wages for such work shall be paid to the administration by the persons to whom the labour is supplied, account being taken of the output of the prisoners.
75. (1) The precautions laid down to protect the safety and health of free workmen shall be equally observed in institutions.  
(2) Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workmen.
76. (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workmen.  
(2) The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of the prisoners.
77. (1) There shall be a system of adequate remuneration of the work of prisoners.  
(2) Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of their earnings to their family.  
(3) The system should also provide that a part of the earnings should be set aside by the administration so as to

constitute a savings fund to be handed over to the prisoner on his release.

#### *Education and Recreation*

78. (1) Provision shall be made for the further education of all prisoners capable of profiting thereby. The education of illiterates and young prisoners shall be compulsory and special attention shall be paid to it by the administration.  
(2) So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.
79. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

#### *Social Relations and After-Care*

80. Special attention shall be paid to the maintenance and improvement of such relations between a prisoner and his family as are desirable in the best interests of both.
81. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.
82. (1) Agencies, governmental or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destinations and maintain themselves in the period immediately following their release.  
(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence.  
(3) It is desirable that the activities of such agencies shall be centralized or co-ordinated as far as possible in order to secure the best use of their efforts.

## B. INSANE AND MENTALLY ABNORMAL PRISONERS

83. (1) Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to mental institutions as soon as possible.
- (2) Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialized institutions under medical management.
- (3) During their stay in a prison, such prisoners shall be placed under the special supervision of a medical officer.
- (4) The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all other prisoners who are in need of such treatment.
84. It is desirable that steps should be taken, by arrangement with the appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

## C. PRISONERS UNDER ARREST OR AWAITING TRIAL

85. (1) Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, are called "untried prisoners" hereinafter in these rules.
- (2) Untried prisoners are presumed to be innocent and shall be treated as such.
- (3) Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners shall benefit by a special regime which is described in the following rules in its essential requirements only.
86. (1) Untried prisoners shall be segregated from convicted prisoners.
- (2) Young untried prisoners shall be segregated from adults and shall in principle be detained in separate institutions.
87. Untried prisoners shall sleep singly in separate rooms, with the reservation of different local custom in respect of the climate.

88. Within the limits compatible with the good order of the institution, untried prisoners may, if they so desire, procure their food at their own expense from the outside, either through the administration or through their family or friends. Otherwise, the administration shall provide their food.
89. (1) An untried prisoner shall be allowed to wear his own clothing if it is clean and suitable.
- (2) If he wears prison dress, it shall be different from that supplied to convicted prisoners.
90. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.
91. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.
92. An untried prisoner shall be allowed to be visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay any expenses incurred.
93. An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.
94. For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

#### D. CIVIL PRISONERS

95. In countries where the law permits imprisonment for debt or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall be not less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

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